

I certify that the attached is a true and  
correct copy of HB 183, which  
was filed of record on FILED DEC 7 1988  
and referred to the committee on:

Natural Resources

*Debbie Munn*  
Chief Clerk of the House

1989 JAN 24 PM 1:49

HOUSE OF REPRESENTATIVES

FILED DEC 7 1988

By *Robert H. [Signature]*

H. B. No. 183

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of underground storage tank installers;  
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Water Commission.

(2) "Committee" means the Underground Storage Tank  
Advisory Committee.

(3) "Installer" means a person who engages in the  
installation, repair, or removal of underground storage tanks.

(4) "Person" means an individual.

(5) "Removal" means the process of removing and  
disposing of an underground storage tank that is no longer in  
service, or the process of abandoning an underground storage tank  
in place after purging the tank of vapors and filling the vessel of  
the tank with an inert material.

(6) "Repair" means the modification or correction of  
an underground storage tank through the replacement of valves,  
fillpipes, vents, or liquid level monitoring systems, and the  
maintenance and inspection of cathodic protection devices, but does  
not include:

(A) relining an underground storage tank through  
the application of epoxy resins or similar materials; or

(B) the performance of a tightness test to

1 ascertain the integrity of the tank.

2 (7) "Underground storage tank" has the meaning  
3 assigned by Section 26.342(4), Water Code.

4 SECTION 2. LICENSE REQUIRED. A person may not engage in the  
5 installation, repair, or removal of underground storage tanks  
6 without a license issued under this Act.

7 SECTION 3. POWERS AND DUTIES OF COMMISSION. (a) The  
8 commission shall:

9 (1) prescribe application forms for original and  
10 renewal licenses;

11 (2) set application, examination, and license fees in  
12 amounts that are reasonable and necessary to defray the costs of  
13 the administration of this Act; and

14 (3) take other action as necessary to enforce this  
15 Act.

16 (b) With the advice of the committee, the commission shall  
17 adopt rules for the licensing of installers.

18 SECTION 4. EXAMINATION. (a) At times and places designated  
19 by the commission, the commission shall conduct an examination of  
20 applicants for licensing as installers.

21 (b) The commission shall prescribe the contents of the  
22 examination. Questions used in the examination must be derived  
23 from standards, instructions, and recommended practices published  
24 by organizations with expertise in various aspects of installation,  
25 removal, and repair of underground storage tanks including the:

26 (1) Petroleum Equipment Institute;

27 (2) American Petroleum Institute;

- 1                   (3) Steel Tank Institute;  
2                   (4) National Association of Corrosion Engineers;  
3                   (5) Fiberglass Tank and Pipe Manufacturers Institute;  
4       and  
5                   (6) National Fire Protection Association.

6           (c) The commission shall determine standards for acceptable  
7       performance on the examination.

8           (d) If requested by a license applicant who fails the  
9       examination, the commission shall provide to the applicant an  
10      analysis of the applicant's performance on the examination.

11           SECTION 5. INSTALLER LICENSE. (a) The commission shall  
12      issue an installer license to an applicant who:

- 13                   (1) is at least 18 years of age;  
14                   (2) meets the application requirements prescribed by  
15      commission rule;  
16                   (3) passes the licensing examination; and  
17                   (4) pays the application, examination, and licensing  
18      fees.

19           (b) A license issued under this Act is valid throughout this  
20      state but is not assignable or transferable.

21           SECTION 6. LICENSE RENEWAL. (a) A license is valid for one  
22      year and may be renewed annually on or before February 1 on payment  
23      of the required renewal fee.

24           (b) If a licensee fails to renew the license by the required  
25      date, the licensee may renew the license on payment of the renewal  
26      fee and a late fee set by the commission. If the license is not  
27      renewed earlier than one year after the date on which the license

1 expired, the licensee must take the licensing examination  
2 administered by the commission.

3 SECTION 7. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE;  
4 REINSTATEMENT. (a) The commission may deny, suspend, revoke, or  
5 reinstate a license.

6 (b) The commission shall adopt rules establishing the  
7 grounds for denial, suspension, revocation, or reinstatement of a  
8 license, and establishing procedures for disciplinary actions.

9 (c) Proceedings relating to the suspension or revocation of  
10 a license issued under this Act are subject to the Administrative  
11 Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas  
12 Civil Statutes).

13 (d) A person whose license has been revoked may apply for a  
14 new license after the expiration of one year from the date of the  
15 revocation.

16 SECTION 8. ADVISORY COMMITTEE. (a) The Underground Storage  
17 Tank Advisory Committee is established.

18 (b) The committee is composed of six members appointed by  
19 the governor. Committee members serve for staggered six-year  
20 terms, with the terms of two members expiring February 1 of each  
21 odd-numbered year. A member is not eligible for reappointment.

22 (c) To be eligible for appointment to the committee, a  
23 person must have demonstrated experience in environmental  
24 protection, fire protection, or the operation and maintenance of  
25 underground storage tanks. At least two members must be  
26 professional engineers registered to practice in this state.

27 (d) The committee members annually shall elect one member to

1 serve as chairman. The committee shall meet at the call of the  
2 chairman or at the call of the commission.

3 (e) The committee shall provide technical expertise to the  
4 commission regarding underground storage tanks and shall advise the  
5 commission in the adoption of rules for the licensing and  
6 regulation of installers.

7 (f) A committee member is entitled to receive the  
8 compensatory per diem authorized by the General Appropriations Act  
9 for each day spent in performing the member's official duties, and  
10 to reimbursement for expenses incurred in performing those duties  
11 to the extent permitted by the General Appropriations Act.

12 SECTION 9. PENALTY. (a) A person commits an offense if the  
13 person acts as an installer without a license issued under this  
14 Act.

15 (b) An offense under this section is a Class C misdemeanor.

16 SECTION 10. INITIAL APPOINTMENTS. In making the initial  
17 appointments to the advisory committee, the governor shall  
18 designate two members for terms expiring in 1991, two members for  
19 terms expiring in 1993, and two members for terms expiring in 1995.

20 SECTION 11. EFFECTIVE DATE FOR LICENSE REQUIREMENT. (a) A  
21 person is not required to obtain a license under this Act until  
22 February 1, 1990.

23 (b) A person who is acting as an installer on the effective  
24 date of this Act is entitled to a license without examination if  
25 the person applies for a license not later than January 1, 1990,  
26 and pays the required application and license fees.

27 SECTION 12. EFFECTIVE DATE. This Act takes effect September

1 1, 1989.

2 SECTION 13. EMERGENCY. The importance of this legislation  
3 and the crowded condition of the calendars in both houses create an  
4 emergency and an imperative public necessity that the  
5 constitutional rule requiring bills to be read on three several  
6 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1st Printing

HOUSE OF REPRESENTATIVES  
89 APR -5 AM 9:27

By Robnett

H.B. No. 183

Substitute the following for H.B. No. 183:

By Holzheuser

C.S.H.B. No. 183

## A BILL TO BE ENTITLED

### AN ACT

relating to the regulation of underground storage tank installers;  
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

#### SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Water Commission.

(2) "Committee" means the Underground Storage Tank  
Advisory Committee.

(3) "Installation" means the installation of  
underground storage tanks and ancillary equipment.

(4) "Installer" means a person who participates in or  
supervises the installation, repair, or removal of underground  
storage tanks.

(5) "Operator" means any person in control of, or  
having responsibility for, the daily operation of the underground  
storage tank system.

(6) "Owner" means any person who owns an underground  
storage tank system used for storage, use, or dispensing of  
regulated substances.

(7) "Person" means a natural person, including an  
owner, manager, officer, employee, or occupant.

(8) "Removal" means the process of removing and  
disposing of an underground storage tank that is no longer in  
service, or the process of abandoning an underground storage tank

1 in place after purging the tank of vapors and filling the vessel of  
2 the tank with an inert material.

3 (9) "Repair" means the modification or correction of  
4 an underground storage tank and ancillary equipment. The term does  
5 not include:

6 (A) relining an underground storage tank through  
7 the application of epoxy resins or similar materials; or

8 (B) the performance of a tightness test to  
9 ascertain the integrity of the tank; or

10 (C) the maintenance and inspection of cathodic  
11 protection devices by a corrosion expert or corrosion technician;  
12 or

13 (D) emergency actions to halt or prevent leaks  
14 or ruptures; or

15 (E) minor maintenance on ancillary above ground  
16 equipment.

17 (10) "Underground storage tank" has the meaning  
18 assigned by Section 26.342, Water Code.

19 (11) "On-Site Supervisor" means:

20 (A) A professional engineer who has met the  
21 licensing requirements under Section 5 of this act; or

22 (B) An individual with at least two years of  
23 active experience in the vocation of underground storage tank  
24 installation and meets the licensing requirements under Section 5  
25 of this Act.

26 SECTION 2. LICENSE REQUIRED. (a) Except as provided for by  
27 Subsection (b) of this section, an underground storage tank may not



1 be installed, repaired, or removed unless an installer or an  
2 on-site supervisor who is licensed by the commission under Section  
3 5 of this Act is at the site at all times during the installation,  
4 repair, or removal.

5 (b) This Act does not apply to the installation of a storage  
6 tank or other facility exempt from regulation under Section 26.344,  
7 Water Code.

8 SECTION 3. POWERS AND DUTIES OF COMMISSION. (a) The  
9 commission shall:

10 (1) prescribe application forms for original and  
11 renewal licenses; and

12 (2) take other action necessary to enforce this Act.

13 (b) With the advice of the committee, the commission shall  
14 adopt rules for the licensing of installers and on-site  
15 supervisors.

16 (c) The commission may adopt rules relating to continuing  
17 education requirements for installers and on-site supervisors.

18 SECTION 4. EXAMINATION. (a) At times and places designated  
19 by the commission, the commission shall conduct an examination of  
20 applicants for licensing as installers and on-site supervisors.

21 (b) The commission shall prescribe the contents of the  
22 examination. Questions used in the examination must be derived  
23 from standards, instructions, and recommended practices published  
24 by organizations with expertise in various aspects of installation,  
25 removal, and repair of underground storage tanks, including the:

26 (1) Petroleum Equipment Institute;

27 (2) American Petroleum Institute;

- (3) Steel Tank Institute;
- (4) National Association of Corrosion Engineers;
- (5) Fiberglass Petroleum Tank and Pipe Institute; and
- (6) National Fire Protection Association.

(c) The commission shall determine standards for acceptable performance on the examination.

(d) If requested by a license applicant who fails the examination, the commission shall provide to the applicant an analysis of the applicant's performance on the examination.

SECTION 5. LICENSE. (a) The commission shall issue an installer or on-site supervisor license to an applicant who:

- (1) is at least 18 years of age;
- (2) meets the application requirements prescribed by commission rule, including any experience requirements not exceeding two years of active experience;
- (3) passes the licensing examination; and
- (4) pays the application, examination, and licensing fees.

(b) A license issued under this Act is valid throughout this state but is not assignable or transferable.

SECTION 6. LICENSE RENEWAL. (a) A license is valid for one year and may be renewed annually on or before February 1 on payment of the required renewal fee in presentation of evidence satisfactory to the commission of compliance with any continuing education requirements adopted by the commission.

(b) If a licensee fails to renew the license by the required date, the licensee may renew the license on payment of the renewal

1 fee and a late fee set by the commission. If the license is not  
2 renewed earlier than one year after the date on which the license  
3 expired, the licensee must retake the licensing examination  
4 administered by the commission.

5 SECTION 7. FEES. (a) The commission shall charge necessary  
6 fees to defray the costs of administering the provisions of this  
7 act which shall be deposited, along with any civil penalties levied  
8 under this Act, in the state treasury to the credit of the  
9 underground storage tank fund and shall be used by the commission  
10 in administering the provisions of this Act. The fees may not  
11 exceed the following amounts:

- 12 (1) examination fee .....\$50.00;  
13 (2) initial license application .....\$200.00;  
14 (3) annual license renewal fee .....\$175.00;  
15 (4) late renewal fee .....\$25.00;  
16 (5) duplicate license fee .....\$10.00.

17 (b) If a person remits an examination fee and initial  
18 license application fee, the examination fee shall be applied to  
19 the license application fee so that no person shall pay more than  
20 \$200.00 for an initial application and examination.

21 SECTION 8. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE;  
22 REINSTATEMENT. (a) The commission may deny, suspend, revoke, or  
23 reinstate a license.

24 (b) The commission shall adopt rules establishing the  
25 grounds for denial, suspension, revocation, or reinstatement of a  
26 license, and establishing procedures for disciplinary actions.

27 (c) Proceedings relating to the suspension or revocation of

1 a license issued under this Act are subject to the Administrative  
2 Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas  
3 Civil Statutes).

4 (d) A person whose license has been revoked may apply for a  
5 new license after the expiration of one year from the date of the  
6 revocation.

7 SECTION 9. ADVISORY COMMITTEE. (a) The Underground Storage  
8 Tank Advisory Committee is established.

9 (b) The committee is composed of nine members appointed by  
10 the governor with the advice and consent of the senate. Committee  
11 members serve for staggered six-year terms, with the terms of three  
12 members expiring February 1 of each odd-numbered year. A member is  
13 not eligible for appointment to successive terms.

14 (c) The governor shall appoint one member from each of the  
15 following geographical areas of this state:

- 16 (1) the Gulf Coast area;  
17 (2) the Trans-Pecos area;  
18 (3) the central Texas area;  
19 (4) the northeast Texas area; and  
20 (5) the Panhandle-South Plains area.

21 (d) Five members of the committee must be persons with  
22 experience in the installation of underground storage tanks and who  
23 must obtain an installer's license from the commission within two  
24 years of the effective date of this Act.

25 (e) Two members must be professional engineers registered to  
26 practice in this state.

27 (f) Two members must be persons who are not eligible for a

1 license under this Act, but who have demonstrated experience in  
2 environmental protection, fire protection, or the operation and  
3 maintenance of underground storage tanks.

4 (g) The governor annually shall designate one member to  
5 serve as chairman. The committee shall meet at the call of the  
6 chairman or at the call of the commission.

7 (h) The committee shall provide technical expertise to the  
8 commission regarding underground storage tanks and shall advise the  
9 commission in the adoption of rules for the licensing and  
10 regulation of installers.

11 (i) A committee member is entitled to receive the  
12 compensatory per diem authorized by the General Appropriations Act  
13 for each day spent in performing the member's official duties, and  
14 to reimbursement for expenses incurred in performing those duties  
15 to the extent permitted by the General Appropriations Act.

16 SECTION 10. PENALTIES. (a) A person commits an offense if  
17 the person supervises the installation, repair or removal of an  
18 underground storage tank in a manner that fails to comply with the  
19 requirements of Section 2 of this Act.

20 (b) An offense under subsection (a) of this section is a  
21 Class A misdemeanor.

22 (c) A person committing an offense under subsection (a) of  
23 this section may be assessed a civil penalty by the commission in  
24 an amount not to exceed \$2,500 for each day of violation.

25 (d) If an owner fails to comply with the requirements of  
26 Section 2 of this Act, or a rule adopted by the commission to  
27 implement this Act, the person may be assessed a civil penalty by

1 the commission in an amount not to exceed \$2,500 for each day of  
2 the violation.

3 SECTION 11. INITIAL APPOINTMENTS. In making the initial  
4 appointments to the advisory committee, the governor shall  
5 designate three members for terms expiring in 1991, three members  
6 for terms expiring in 1993, and three members for terms expiring in  
7 1995.

8 SECTION 12. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A  
9 person is not required to obtain a license under this Act until  
10 February 1, 1990.

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12 1, 1989.

13 SECTION 14. EMERGENCY. The importance of this legislation  
14 and the crowded condition of the calendars in both houses create an  
15 emergency and an imperative public necessity that the  
16 constitutional rule requiring bills to be read on three several  
17 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

3-22-89  
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 183 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

- ( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x) yes ( ) no An actuarial analysis was requested. ( ) yes (x) no

An author's fiscal statement was requested. ( ) yes (X) no

A criminal justice policy impact statement was prepared. ( ) yes (x) no

A water development policy impact statement was requested. ( ) yes (X) no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, ( ) Consent, or ( ) Resolutions Calendar.

This measure (X) proposes new law. ( ) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

|                 | AYE | NAY | PNV | ABSENT |
|-----------------|-----|-----|-----|--------|
| Smith, T., Ch.  | x   |     |     |        |
| Willy, V.C.     | x   |     |     |        |
| Collazo, C.B.O. |     |     |     | x      |
| Culberson       | x   |     |     |        |
| Holzheuser      | x   |     |     |        |
| Junell          | x   |     |     |        |
| Swift           | x   |     |     |        |
| Wentworth       |     |     |     | x      |
| Yost            | x   |     |     |        |
|                 |     |     |     |        |
|                 |     |     |     |        |
|                 |     |     |     |        |
|                 |     |     |     |        |
|                 |     |     |     |        |
|                 |     |     |     |        |

Total  
7 aye  
0 nay  
0 present, not voting  
2 absent

Terral R. [Signature]  
CHAIRMAN  
Deborah K. Wall  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### Background

Leaking underground storage tanks have sometimes caused groundwater contamination. In the effort to stop such leaks from occurring, it is believed that regulation of underground tank installers would be beneficial, as even well-designed tanks may leak if improperly installed. Current federal guidelines call for regulation of tank installers by the states.

### Purpose of the Bill

The purpose of this bill is to provide for regulation and licensing of underground storage tank installers, and provide for penalties.

### Section by Section Analysis

SECTION 1. Definitions.

SECTION 2. Requires licensing of installers.

SECTION 3. Provides for the licensing powers and rulemaking authority of the commission.

SECTION 4. Provides for examination of applicants by the commission; provides guidelines regarding the content of the exam.

SECTION 5. Provides requirements for the issuance of an installers license.

SECTION 6. Provides for renewal of a license.

SECTION 7. Sets fees to be charged for licensing and examination.

SECTION 8. Provides for certain authority of the Commission to establish rules regarding the denial, suspension, revocation, or reinstatement of a license.

SECTION 9. Creates the Underground Storage Tank Advisory Committee; provides for its membership, organization, functions and compensation.

SECTION 10. Provides for penalties for violations of this Act.

SECTION 11. Provides for initial appointments to the committee.

SECTION 12. Final date for obtaining a license is Feb. 1, 1990.



SECTION 13. Effective date of this Act is Sept. 1, 1989.

SECTION 14. Emergency clause.

#### Rulemaking Authority

It is the opinion of this committee that this bill delegates rulemaking authority to the Texas Water Commission in Section 3(b) to adopt rules regarding the licensing of installers, and in Section 7(b) to adopt rules concerning license denial, suspension, revocation or reinstatement.

#### Comparison of the Substitute to the Original

The substitute has added several definitions to Section 1; added certain exemptions from licensing in Section 2; added provision for rules regarding continuing education of installers in Section 3; provided for compliance with education requirements as a condition for license renewal in Section 6; added a schedule of fees in Section 7 and renumbered remaining Sections; expanded the advisory committee to nine members and provided for geographic distribution and representation of installers in Section 9, and changed the penalties allowed in Section 10.

#### Summary of Committee Action

HB 183 was considered in public hearing on February 15, 1989. The following persons testified in favor of the bill: Bill White of White's Pump Service and Supply; Homer McGinnis, Tx. Oil Marketers Assn.; Leland Freeman, Station Equipment and Maintenance, Inc., and Carla West, Tx. Farm Bureau. Kevin Sheeran, Tx. Retail Grocers Assn. did not testify, but wished the record to show his support. Allen Beinke of the Tx. Water Commission served as a resource witness on the bill. No one testified against the bill. HB 183 was referred to a subcommittee which held a public hearing on February 28, 1989. The following persons testified for the bill: Dwight C. Russell, Tx. Water Commission; Tom Bohl, Tx. Water Commission, Bill R. White, White's Pump Services; Leeland Freeman, Station Equipment and Maintenance, Inc.; Scott Fisher, Tx. Oil Marketers Assn., and Les Gray, UST Installer. Richard White, representing the Assn. of Electric Co. of Tx. testified on the bill. John Weisman, representing the Assn. of General Contractors of Tx. testified against the bill. HB 183 was left pending in subcommittee. The subcommittee met again in formal meeting on March 20, 1989. At this time Representative Holzhauser offered a substitute which was adopted and reported favorably back to the committee. Representative Holzhauser suspend the 48 hour lay out rule on the House floor. The subcommittee report was considered by the full committee on March 22, 1989. The motion to report the bill favorably as substituted carried with a vote of 7 ayes, 0 nays, 0 PNV, and 2 absent.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 4, 1989

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 183

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 183 (relating to the regulation of underground storage tank installers; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would that beginning in February 1, 1990, the installation, repair, or removal of underground storage tanks must be performed by an installer licensed by the Water Commission or with an on-site supervisor licensed by the Commission. Installation of underground storage tanks not regulated by Section 26.344 of the Water Code would be exempt from this provision.

The bill would require applicants for licensure to pay application fees, examination fees, and annual renewal fees. The bill would set maximum limits on the fees which would be authorized and the bill would require fee revenues and any civil penalties levied under the bill's provisions to be deposited in the underground storage tank fund in the state treasury.

The bill would create an Underground Storage Tank Advisory Committee with nine members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal Year</u> | <u>Probable Cost Out of the Underground Storage Fund No. 583</u> | <u>Probable Revenue Gain to the Underground Storage Fund No. 583</u> | <u>Change in Number of State Employees from FY 1989</u> |
|--------------------|--|--|---|
| 1990               | \$315,426  | \$315,426  | + 6.5   |
| 1991               | 267,567  | 267,567  | + 6.5   |
| 1992               | 267,567  | 267,567  | + 6.5   |
| 1993               | 267,567  | 267,567  | + 6.5   |
| 1994               | 267,567  | 267,567  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WRC, LV

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 14, 1989

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 183  
By: Robnett

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 183 (relating to the regulation of underground storage tank installers; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would require licensure by the Water Commission beginning in February 1, 1990, of all persons engaging in the installation, repair, or removal of underground storage tanks.

The bill would require applicants for licensure to pay application fees, examination fees, and renewal fees.

The bill would create an Underground Storage Tank Advisory Committee with six members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal<br/>Year</u> | <u>Probable Cost<br/>Out of the<br/>General Revenue Fund</u> | <u>Probable Revenue<br/>Gain to the<br/>General Revenue Fund</u> | <u>Change in Number<br/>of State Employees<br/>from FY 1989</u> |
|------------------------|--|--|---|
| 1990                   | \$315,426  | \$315,426  | + 6.5   |
| 1991                   | 267,567  | 267,567  | + 6.5   |
| 1992                   | 267,567  | 267,567  | + 6.5   |
| 1993                   | 267,567  | 267,567  | + 6.5   |
| 1994                   | 267,567  | 267,567  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WC, LV

ADOPTED as amended

MAY 10 1989

Betty Murray  
Chief Clerk

By Robnett

House of Representatives

H.B. No. 183

Substitute the following for H.B. No. 183

C.S.H.B. No. 183

By Holzheuser

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7 (2) "Committee" means the Underground Storage Tank

8 Advisory Committee.

9 (3) "Installation" means the installation of  
10 underground storage tanks and ancillary equipment.

11 (4) "Installer" means a person who participates in or  
12 supervises the installation, repair, or removal of underground  
13 storage tanks.

14 (5) "Operator" means any person in control of, or  
15 having responsibility for, the daily operation of the underground  
16 storage tank system.

17 (6) "Owner" means any person who owns an underground  
18 storage tank system used for storage, use, or dispensing of  
19 regulated substances.

20 (7) "Person" means a natural person, including an  
21 owner, manager, officer, employee, or occupant.

22 (8) "Removal" means the process of removing and  
23 disposing of an underground storage tank that is no longer in  
24 service, or the process of abandoning an underground storage tank

1 in place after purging the tank of vapors and filling the vessel  
2 of the tank with an inert material.

3 (9) "Repair" means the modification or correction of  
4 an underground storage tank and ancillary equipment. The term  
5 does not include:

6 (A) relining an underground storage tank through  
7 the application of epoxy resins or similar materials; or

8 (B) the performance of a tightness test to  
9 ascertain the integrity of the tank; or

10 (C) the maintenance and inspection of cathodic  
11 protection devices by a corrosion expert or corrosion technician;

12 or

13 (D) emergency actions to halt or prevent leaks or  
14 ruptures; or

15 (E) minor maintenance on ancillary above ground  
16 equipment.

17 (10) "Underground storage tank" has the meaning  
18 assigned by Section 26.342, Water Code.

19 (11) "On-Site Supervisor" means:

20 (A) A professional engineer who has met the  
21 licensing requirements under Section 5 of this act; or

22 (B) An individual with at least two years of  
23 active experience in the vocation of underground storage tank  
24 installation and meets the licensing requirements under Section 5  
25 of this Act.

26 SECTION 2. LICENSE REQUIRED. (a) Except as provided for  
27 by Subsection (b) of this section, an underground storage tank

1 may not be installed, repaired, or removed unless an installer or  
2 an on-site supervisor who is licensed by the commission under  
3 Section 5 of this Act is at the site at all times during the  
4 installation, repair, or removal.

5 (b) This Act does not apply to the installation of a  
6 storage tank or other facility exempt from regulation under  
7 Section 26.344, Water Code.

8 SECTION 3. POWERS AND DUTIES OF COMMISSION. (a) The  
9 commission shall:

10 (1) prescribe application forms for original and  
11 renewal licenses; and

12 (2) take other action necessary to enforce this Act.

13 (b) With the advice of the committee, the commission shall  
14 adopt rules for the licensing of installers and on-site  
15 supervisors.

16 (c) The commission may adopt rules relating to continuing  
17 education requirements for installers and on-site supervisors.

18 SECTION 4. EXAMINATION. (a) At times and places  
19 designated by the commission, the commission shall conduct an  
20 examination of applicants for licensing as installers and on-site  
21 supervisors.

22 (b) The commission shall prescribe the contents of the  
23 examination. Questions used in the examination must be derived  
24 from standards, instructions, and recommended practices published  
25 by organizations with expertise in various aspects of  
26 installation, removal, and repair of underground storage tanks,  
27 including the:

- (1) Petroleum Equipment Institute;
- (2) American Petroleum Institute;
- (3) Steel Tank Institute;
- (4) National Association of Corrosion Engineers;
- (5) Fiberglass Petroleum Tank and Pipe Institute; and
- (6) National Fire Protection Association.

(c) The commission shall determine standards for acceptable performance on the examination.

(d) If requested by a license applicant who fails the examination, the commission shall provide to the applicant an analysis of the applicant's performance on the examination.

SECTION 5. LICENSE. (a) The commission shall issue an installer or on-sight supervisor license to an applicant who:

- (1) is at least 18 years of age;
- (2) meets the application requirements prescribed by commission rule, including any experience requirements not exceeding two years of active experience;
- (3) passes the licensing examination; and
- (4) pays the application, examination, and licensing fees.

(b) A license issued under this Act is valid throughout this state but is not assignable or transferable.

SECTION 6. LICENSE RENEWAL. (a) A license is valid for one year and may be renewed annually on or before February 1 on payment of the required renewal fee and presentation of evidence satisfactory to the commission of compliance with any continuing education requirements adopted by the commission.

1 (b) If a licensee fails to renew the license by the  
2 required date, the licensee may renew the license on payment of  
3 the renewal fee and a late fee set by the commission. If the  
4 license is not renewed earlier than one year after the date on  
5 which the license expired, the licensee must retake the licensing  
6 examination administered by the commission.

7 SECTION 7. FEES. (a) The commission shall charge  
8 necessary fees to defray the costs of administering the  
9 provisions of this act which shall be deposited, along with any  
10 civil penalties levied under this Act, in the state treasury to  
11 the credit of the underground storage tank fund and shall be used  
12 by the commission in administering the provisions of this Act.  
13 The fees may not exceed the following amounts:

- 14 (1) examination fee .....\$50.00;
- 15 (2) initial license application ....\$200.00;
- 16 (3) annual license renewal fee .....\$175.00;
- 17 (4) late renewal fee .....\$25.00;
- 18 (5) duplicate license fee .....\$10.00.

19 (b) If a person remits an examination fee and initial  
20 license application fee, the examination fee shall be applied to  
21 the license application fee so that no person shall pay more than  
22 \$200.00 for an initial application and examination.

23 SECTION 8. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE;  
24 REINSTATEMENT.

25 (a) The commission may deny, suspend, revoke, or reinstate  
26 a license.

27 (b) The commission shall adopt rules establishing the



1 grounds for denial, suspension, revocation, or reinstatement of a  
2 license, and establishing procedures for disciplinary actions.

3 (c) Proceedings relating to the suspension or revocation of  
4 a license issued under this Act are subject to the Administrative  
5 Procedure and Texas Register Act (Article 6252-13a, Vernon's  
6 Texas Civil Statutes).

7 (d) A person whose license has been revoked may apply for a  
8 new license after the expiration of one year from the date of the  
9 revocation.

10 SECTION 9. ADVISORY COMMITTEE. (a) The Underground  
11 Storage Tank Advisory Committee is established.

12 (b) The committee is composed of nine members appointed by  
13 the governor with the advice and consent of the senate.  
14 Committee members serve for staggered six-year terms, with the  
15 terms of three members expiring February 1 of each odd-numbered  
16 year. A member is not eligible for appointment to successive  
17 terms.

18 (c) The governor shall appoint one member from each of the  
19 following geographical areas of this state:

- 20 (1) the Gulf Coast area;  
21 (2) the Trans-Pecos area;  
22 (3) the central Texas area;  
23 (4) the northeast Texas area; and  
24 (5) the Panhandle-South Plains area.

25 (d) Five members of the committee must be persons with  
26 experience in the installation of underground storage tanks and  
27 who must obtain an installer's license from the commission within

1 two years of the effective date of this Act.

2 (e) two members must be professional engineers registered  
3 to practice in this state.

4 (f) Two members must be persons who are not eligible for a  
5 license under this Act, but who have demonstrated experience in  
6 environmental protection, fire protection, or the operation and  
7 maintenance of underground storage tanks.

8 (g) The governor annually shall designate one member to  
9 serve as chairman. The committee shall meet at the call of the  
10 chairman or at the call of the commission.

11 (h) The committee shall provide technical expertise to the  
12 commission regarding underground storage tanks and shall advise  
13 the commission in the adoption of rules for the licensing and  
14 regulation of installers.

15 (i) A committee member is entitled to receive the  
16 compensatory per diem authorized by the General Appropriations  
17 Act for each day spent in performing the member's official  
18 duties, and to reimbursement for expenses incurred in performing  
19 those duties to the extent permitted by the General  
20 Appropriations Act.

21 SECTION 10. PENALTIES. (a) A person commits an offense if  
22 the person supervises the installation, repair or removal of an  
23 underground storage tank in a manner that fails to comply with  
24 the requirements of Section 2 of this Act.

25 (b) An offense under subsection (a) of this section is a  
26 Class A misdemeanor.

27 (c) A person committing an offense under subsection (a) o:

1 this section may be assessed a civil penalty by the commission in  
2 an amount not to exceed \$2,500 for each day of violation.

3 (d) If an owner fails to comply with the requirements of  
4 Section 2 of this Act, or a rule adopted by the commission to  
5 implement this Act, the person may be assessed a civil penalty by  
6 the commission in an amount not to exceed \$2,500 for each day of  
7 the violation.

8 SECTION 11. INITIAL APPOINTMENTS. In making the initial  
9 appointments to the advisory committee, the governor shall  
10 designate three members for terms expiring in 1991, three members  
11 for terms expiring in 1993, and three members for terms expiring  
12 in 1995.

13 SECTION 12. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A  
14 person is not required to obtain a license under this Act until  
15 February 1, 1990.

16 SECTION 13. EFFECTIVE DATE. This Act takes effect  
17 September 1, 1989.

18 SECTION 14. EMERGENCY. The importance of this legislation  
19 and the crowded condition of the calendars in both houses create  
20 an emergency and an imperative public necessity that the  
21 constitutional rule requiring bills to be read on three several  
22 days in each house be suspended, and this rule is hereby  
23 suspended.

**ADOPTED**

MAY 10 1989

*Betty Murray*  
Chief Clerk  
House of Representatives

FLOOR AMENDMENT NO. ①

BY Junell

*INSURANCE*

1       Amend C.S.H.B. 183 as follows:

2       On page 2, Add Section 2 and renumber all remaining sections  
3       accordingly.

4       SECTION 2. V(a) An underground storage tank contractor must apply to  
5       the commission for a certificate of registration on a form  
6       prescribed by the commission. If the contractor is a partnership  
7       or joint venture, it need not register in its own name if each  
8       partner or joint venture is registered. The application fee for  
9       the certificate of registration must be in the amount not to  
10      exceed \$100, and the fee for insurance of either the initial or  
11      the renewal certificate of registration must be in an amount not  
12      to exceed \$500.00.

13      (b) A certificate of registration is valid for one year  
14      from the date of issue and is renewable annually <sup>on</sup> payment of  
15      the annual fee; provided, however, that the initial certification  
16      of registration issued on or after September 1, 1989, may be  
17      issued for periods of less than one year and the annual fee shall  
18      be prorated proportionally.

19      (c) The fee charged by the board for any request for a  
20      duplicate certificate of registration or license or any  
21      requesting <sup>(for)</sup> change to a certificate of registration must be in an  
22      amount not to exceed \$70.00.

23      (d) Each certificate of registration must be posted in a  
24      conspicuous place in the contractor's place of business.

~~FLOOR~~ AMENDMENT NO.           

1        *P* (e) All bids, proposals, offers, and installation  
2 drawings must prominently display the contractor's certificate of  
3 registration number.

4        (f) A certificate of registration issued under *the*  
5 *Act* article is not transferable.

*amendment 112*

**ADOPTED**

MAY 10 1989

*Buddy Murray*  
Chief Clerk  
House of Representatives

FLOOR AMENDMENT NO. (2)

BY Junell

1 Amend C.S.H.B.183 as follows:

2 On Page 3, Line 1 between the words "removed" and "an"  
3 insert "except by an Underground Storage Tank Contractor who has"

✓ 4 On Page 5, Line 21 after the word "license" add "or"  
5 certificate of registration"

✓ 6 On Page 5, Line 23 after the word "license" add "or"  
7 certificate of registration"

✓ 8 On Page 5, Line 26 after the word "license" add "or"  
9 certificate of registration"

✓ 10 On Page 6, Line 1 after the word "license" add "or"  
11 certificate of registration"

✓ 12 On Page 6, Line 4 after the word "license" add "or"  
13 certificate of registration"

14 On Page 2, after (12) add new section <sup>(13)</sup> ~~(12)~~ <sup>(((INSERT B)))</sup> "Certificate of  
15 Registration" means the document issued to an Underground Storage  
16 Tank Contractor authorizing same to engage in the underground  
17 storage tank business in this state.

18 On Page 2 after (13) add new section <sup>(14)</sup> ~~(13)~~ "License" means  
19 the document issued to an installer or on-site supervisor  
20 authorizing same to engage in the underground storage tank  
21 business in this state.

22 On Page 4 in Section 5, add a new subdivision (5) to  
23 subsection (a) to read as follows:

24 (5) meets reasonable training requirements as determined

1 by the commission.

✓ 2 On Page 4, Line 14, after the word "rule" delete the  
3 remainder of line 14 and 15.

4 On Page 2, Line 24, between the words "installation" and  
5 "and" insert "or related areas."

6 On Page 2 after (11) add new section (12) "Underground Tank  
7 Contractor" means a person or business entity that offers to  
8 undertake, represents itself as being able to undertake, or does  
9 undertake to install, to repair, or remove underground storage  
10 tanks. (INSERT 4)

✓ 11 On Page 6, Line 21 strike the word "five" and substitute the  
12 word "two".

13 On Page 7 reletter subsections (g)-(i) under Section 9 as  
14 (i)-(k) and insert new subsections (g) and (h) to read as follows:

15 (g) Two members that own construction firms in Texas. (must be person or entity)  
16 (h) One faculty member from a major university in the  
17 state. (member must be person or entity)

8:00 PM 11/2/20

11/2/20 11:20 AM

**ENGROSSED**  
**SECOND READING**

By Robnett

H.B. No. 183

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of underground storage tank installers;  
providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Water Commission.

(2) "Committee" means the Underground Storage Tank  
Advisory Committee.

(3) "Installation" means the installation of  
underground storage tanks and ancillary equipment.

(4) "Installer" means a person who participates in or  
supervises the installation, repair, or removal of underground  
storage tanks.

(5) "Operator" means any person in control of, or  
having responsibility for, the daily operation of the underground  
storage tank system.

(6) "Owner" means any person who owns an underground  
storage tank system used for storage, use, or dispensing of  
regulated substances.

(7) "Person" means a natural person, including an  
owner, manager, officer, employee, or occupant.

(8) "Removal" means the process of removing and  
disposing of an underground storage tank that is no longer in  
service, or the process of abandoning an underground storage tank



1 in place after purging the tank of vapors and filling the vessel of  
2 the tank with an inert material.

3 (9) "Repair" means the modification or correction of  
4 an underground storage tank and ancillary equipment. The term does  
5 not include:

6 (A) relining an underground storage tank through  
7 the application of epoxy resins or similar materials;

8 (B) the performance of a tightness test to  
9 ascertain the integrity of the tank;

10 (C) the maintenance and inspection of cathodic  
11 protection devices by a corrosion expert or corrosion technician;

12 (D) emergency actions to halt or prevent leaks  
13 or ruptures; or

14 (E) minor maintenance on ancillary aboveground  
15 equipment.

16 (10) "Underground storage tank" has the meaning  
17 assigned by Section 26.342, Water Code.

18 (11) "On-site supervisor" means:

19 (A) a professional engineer who has met the  
20 licensing requirements under Section 6 of this Act; or

21 (B) an individual with at least two years of  
22 active experience in the vocation of underground storage tank  
23 installation or related areas and who meets the licensing  
24 requirements under Section 6 of this Act.

25 (12) "Underground storage tank contractor" means a  
26 person or business entity that offers to undertake, represents  
27 itself as being able to undertake, or does undertake to install,

1     repair, or remove underground storage tanks.

2             (13) "Certificate of registration" means the document  
3     issued to an underground storage tank contractor authorizing same  
4     to engage in the underground storage tank business in this state.

5             (14) "License" means the document issued to an  
6     installer or on-site supervisor authorizing same to engage in the  
7     underground storage tank business in this state.

8             SECTION 2. CERTIFICATE OF REGISTRATION. (a) An underground  
9     storage tank contractor must apply to the commission for a  
10    certificate of registration on a form prescribed by the commission.  
11    If the contractor is a partnership or joint venture, it need not  
12    register in its own name if each partner or joint venture is  
13    registered. The application fee for the certificate of  
14    registration must be in the amount not to exceed \$100, and the fee  
15    for insurance of either the initial or the renewal certificate of  
16    registration must be in an amount not to exceed \$500.

17            (b) A certificate of registration is valid for one year from  
18    the date of issue and is renewable annually on payment of the  
19    annual fee; provided, however, that the initial certification of  
20    registration issued on or after September 1, 1989, may be issued  
21    for periods of less than one year and the annual fee shall be  
22    prorated proportionally.

23            (c) The fee charged by the board for any request for a  
24    duplicate certificate of registration or license or any request for  
25    change to a certificate of registration must be in an amount not to  
26    exceed \$70.

27            (d) Each certificate of registration must be posted in a

1 conspicuous place in the contractor's place of business.

2 (e) All bids, proposals, offers, and installation drawings  
3 must prominently display the contractor's certificate of  
4 registration number.

5 (f) A certificate of registration issued under this Act is  
6 not transferable.

7 SECTION 3. LICENSE REQUIRED. (a) Except as provided for by  
8 Subsection (b) of this section, an underground storage tank may not  
9 be installed, repaired, or removed except by an underground storage  
10 tank contractor who has an installer or an on-site supervisor who  
11 is licensed by the commission under Section 6 of this Act at the  
12 site at all times during the installation, repair, or removal.

13 (b) This Act does not apply to the installation of a storage  
14 tank or other facility exempt from regulation under Section 26.344,  
15 Water Code.

16 SECTION 4. POWERS AND DUTIES OF COMMISSION. (a) The  
17 commission shall:

18 (1) prescribe application forms for original and  
19 renewal licenses; and

20 (2) take other action necessary to enforce this Act.

21 (b) With the advice of the committee, the commission shall  
22 adopt rules for the licensing of installers and on-site  
23 supervisors.

24 (c) The commission may adopt rules relating to continuing  
25 education requirements for installers and on-site supervisors.

26 SECTION 5. EXAMINATION. (a) At times and places designated  
27 by the commission, the commission shall conduct an examination of

1 applicants for licensing as installers and on-site supervisors.

2 (b) The commission shall prescribe the contents of the  
3 examination. Questions used in the examination must be derived  
4 from standards, instructions, and recommended practices published  
5 by organizations with expertise in various aspects of installation,  
6 removal, and repair of underground storage tanks, including the:

- 7 (1) Petroleum Equipment Institute;
- 8 (2) American Petroleum Institute;
- 9 (3) Steel Tank Institute;
- 10 (4) National Association of Corrosion Engineers;
- 11 (5) Fiberglass Petroleum Tank and Pipe Institute; and
- 12 (6) National Fire Protection Association.

13 (c) The commission shall determine standards for acceptable  
14 performance on the examination.

15 (d) If requested by a license applicant who fails the  
16 examination, the commission shall provide to the applicant an  
17 analysis of the applicant's performance on the examination.

18 SECTION 6. LICENSE. (a) The commission shall issue an  
19 installer or on-site supervisor license to an applicant who:

- 20 (1) is at least 18 years of age;
- 21 (2) meets the application requirements prescribed by  
22 commission rule;
- 23 (3) passes the licensing examination;
- 24 (4) pays the application, examination, and licensing  
25 fees; and
- 26 (5) meets reasonable training requirements as  
27 determined by the commission.

1           (b) A license issued under this Act is valid throughout this  
2 state but is not assignable or transferable.

3           SECTION 7. LICENSE RENEWAL. (a) A license is valid for one  
4 year and may be renewed annually on or before February 1 on payment  
5 of the required renewal fee in presentation of evidence  
6 satisfactory to the commission of compliance with any continuing  
7 education requirements adopted by the commission.

8           (b) If a licensee fails to renew the license by the required  
9 date, the licensee may renew the license on payment of the renewal  
10 fee and a late fee set by the commission. If the license is not  
11 renewed earlier than one year after the date on which the license  
12 expired, the licensee must retake the licensing examination  
13 administered by the commission.

14          SECTION 8. FEES. (a) The commission shall charge necessary  
15 fees to defray the costs of administering the provisions of this  
16 Act, which shall be deposited, along with any civil penalties  
17 levied under this Act, in the state treasury to the credit of the  
18 underground storage tank fund and shall be used by the commission  
19 in administering the provisions of this Act. The fees may not  
20 exceed the following amounts:

- 21                   (1) examination fee .....\$50;  
22                   (2) initial license application .....\$200;  
23                   (3) annual license renewal fee .....\$175;  
24                   (4) late renewal fee .....\$25;  
25                   (5) duplicate license fee .....\$10.

26          (b) If a person remits an examination fee and initial  
27 license application fee, the examination fee shall be applied to

1 the license application fee so that no person shall pay more than  
2 \$200 for an initial application and examination.

3 SECTION 9. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE OR  
4 CERTIFICATE OF REGISTRATION; REINSTATEMENT. (a) The commission  
5 may deny, suspend, revoke, or reinstate a license or certificate of  
6 registration.

7 (b) The commission shall adopt rules establishing the  
8 grounds for denial, suspension, revocation, or reinstatement of a  
9 license or certificate of registration, and establishing procedures  
10 for disciplinary actions.

11 (c) Proceedings relating to the suspension or revocation of  
12 a license or certificate of registration issued under this Act are  
13 subject to the Administrative Procedure and Texas Register Act  
14 (Article 6252-13a, Vernon's Texas Civil Statutes).

15 (d) A person whose license or certificate of registration  
16 has been revoked may apply for a new license or certificate of  
17 registration after the expiration of one year from the date of the  
18 revocation.

19 SECTION 10. ADVISORY COMMITTEE. (a) The Underground  
20 Storage Tank Advisory Committee is established.

21 (b) The committee is composed of nine members appointed by  
22 the governor with the advice and consent of the senate. Committee  
23 members serve for staggered six-year terms, with the terms of three  
24 members expiring February 1 of each odd-numbered year. A member is  
25 not eligible for appointment to successive terms.

26 (c) The governor shall appoint one member from each of the  
27 following geographical areas of this state:

- (1) the Gulf Coast area;
- (2) the Trans-Pecos area;
- (3) the central Texas area;
- (4) the northeast Texas area; and
- (5) the Panhandle-South Plains area.

(d) Two members of the committee must be persons with experience in the installation of underground storage tanks and who must obtain an installer's license from the commission within two years of the effective date of this Act.

(e) Two members must be professional engineers registered to practice in this state.

(f) Two members must be persons who are not eligible for a license under this Act, but who have demonstrated experience in environmental protection, fire protection, or the operation and maintenance of underground storage tanks.

(g) Two members must be persons who own construction firms in Texas.

(h) One member must be a person who is a faculty member from a major university in the state.

(i) The governor annually shall designate one member to serve as chairman. The committee shall meet at the call of the chairman or at the call of the commission.

(j) The committee shall provide technical expertise to the commission regarding underground storage tanks and shall advise the commission in the adoption of rules for the licensing and regulation of installers.

(k) A committee member is entitled to receive the

1 compensatory per diem authorized by the General Appropriations Act  
2 for each day spent in performing the member's official duties, and  
3 to reimbursement for expenses incurred in performing those duties  
4 to the extent permitted by the General Appropriations Act.

5 SECTION 11. PENALTIES. (a) A person commits an offense if  
6 the person supervises the installation, repair or removal of an  
7 underground storage tank in a manner that fails to comply with the  
8 requirements of Section 3 of this Act.

9 (b) An offense under Subsection (a) of this section is a  
10 Class A misdemeanor.

11 (c) A person committing an offense under Subsection (a) of  
12 this section may be assessed a civil penalty by the commission in  
13 an amount not to exceed \$2,500 for each day of violation.

14 (d) If an owner fails to comply with the requirements of  
15 Section 3 of this Act, or a rule adopted by the commission to  
16 implement this Act, the person may be assessed a civil penalty by  
17 the commission in an amount not to exceed \$2,500 for each day of  
18 the violation.

19 SECTION 12. INITIAL APPOINTMENTS. In making the initial  
20 appointments to the advisory committee, the governor shall  
21 designate three members for terms expiring in 1991, three members  
22 for terms expiring in 1993, and three members for terms expiring in  
23 1995.

24 SECTION 13. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A  
25 person is not required to obtain a license under this Act until  
26 February 1, 1990.

27 SECTION 14. EFFECTIVE DATE. This Act takes effect September



1 1, 1989.

2 SECTION 15. EMERGENCY. The importance of this legislation  
3 and the crowded condition of the calendars in both houses create an  
4 emergency and an imperative public necessity that the  
5 constitutional rule requiring bills to be read on three several  
6 days in each house be suspended, and this rule is hereby suspended.

Amendment No. ①

3rd READING

By June

H.B. No. 183

✓ On Page 3 Line 15

Delete the word

"insurance"

and substitute the word

"issuance"

✓ On Page 2 Line 23

Between the words

"near" and "and"

insert

"as determined by the commission"

✓ On Page 5 Line 22

after the word

"rule"

add

"including any experience requirements not  
to exceeding two years of active  
experience"

✓ On Page 8 Line 6

~~and~~ Delete the word

"two"

and substitute the word

"three"

✓ On Page 8 Line 18

delete section ch)  
and reletter the remaining  
sections accordingly.

**ADOPTED**

MAY 11 1989

*Betty Murray*  
Chief Clerk  
House of Representatives

DIVISION OF QUESTION ON

HB 183

HB 183 contains provisions for the dedication of funds. Therefore, pursuant to Rule 5, Section 43(b), of the House Rules, the question will be divided on HB 183 as follows:

The first vote will be a record vote on the revenue dedication provisions of the bill.

The second vote will be a DIVISION vote on the remainder of the bill.

# HOUSE ENGROSSMENT

89 MAY 12 AM 1:39  
HOUSE OF REPRESENTATIVES

By Robnett

H.B. No. 183

## A BILL TO BE ENTITLED

### AN ACT

relating to the regulation of underground storage tank installers;  
providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

#### SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Water Commission.

(2) "Committee" means the Underground Storage Tank  
Advisory Committee.

(3) "Installation" means the installation of  
underground storage tanks and ancillary equipment.

(4) "Installer" means a person who participates in or  
supervises the installation, repair, or removal of underground  
storage tanks.

(5) "Operator" means any person in control of, or  
having responsibility for, the daily operation of the underground  
storage tank system.

(6) "Owner" means any person who owns an underground  
storage tank system used for storage, use, or dispensing of  
regulated substances.

(7) "Person" means a natural person, including an  
owner, manager, officer, employee, or occupant.

(8) "Removal" means the process of removing and  
disposing of an underground storage tank that is no longer in  
service, or the process of abandoning an underground storage tank

1 in place after purging the tank of vapors and filling the vessel of  
2 the tank with an inert material.

3 (9) "Repair" means the modification or correction of  
4 an underground storage tank and ancillary equipment. The term does  
5 not include:

6 (A) relining an underground storage tank through  
7 the application of epoxy resins or similar materials;

8 (B) the performance of a tightness test to  
9 ascertain the integrity of the tank;

10 (C) the maintenance and inspection of cathodic  
11 protection devices by a corrosion expert or corrosion technician;

12 (D) emergency actions to halt or prevent leaks  
13 or ruptures; or

14 (E) minor maintenance on ancillary aboveground  
15 equipment.

16 (10) "Underground storage tank" has the meaning  
17 assigned by Section 26.342, Water Code.

18 (11) "On-site supervisor" means:

19 (A) a professional engineer who has met the  
20 licensing requirements under Section 6 of this Act; or

21 (B) an individual with at least two years of  
22 active experience in the vocation of underground storage tank  
23 installation or related areas as determined by the commission and  
24 who meets the licensing requirements under Section 6 of this Act.

25 (12) "Underground storage tank contractor" means a  
26 person or business entity that offers to undertake, represents  
27 itself as being able to undertake, or does undertake to install,

1 repair, or remove underground storage tanks.

2 (13) "Certificate of registration" means the document  
3 issued to an underground storage tank contractor authorizing same  
4 to engage in the underground storage tank business in this state.

5 (14) "License" means the document issued to an  
6 installer or on-site supervisor authorizing same to engage in the  
7 underground storage tank business in this state.

8 SECTION 2. CERTIFICATE OF REGISTRATION. (a) An underground  
9 storage tank contractor must apply to the commission for a  
10 certificate of registration on a form prescribed by the commission.  
11 If the contractor is a partnership or joint venture, it need not  
12 register in its own name if each partner or joint venture is  
13 registered. The application fee for the certificate of  
14 registration must be in the amount not to exceed \$100, and the fee  
15 for issuance of either the initial or the renewal certificate of  
16 registration must be in an amount not to exceed \$500.

17 (b) A certificate of registration is valid for one year from  
18 the date of issue and is renewable annually on payment of the  
19 annual fee; provided, however, that the initial certification of  
20 registration issued on or after September 1, 1989, may be issued  
21 for periods of less than one year and the annual fee shall be  
22 prorated proportionally.

23 (c) The fee charged by the board for any request for a  
24 duplicate certificate of registration or license or any request for  
25 change to a certificate of registration must be in an amount not to  
26 exceed \$70.

27 (d) Each certificate of registration must be posted in a

1 conspicuous place in the contractor's place of business.

2 (e) All bids, proposals, offers, and installation drawings  
3 must prominently display the contractor's certificate of  
4 registration number.

5 (f) A certificate of registration issued under this Act is  
6 not transferable.

7 SECTION 3. LICENSE REQUIRED. (a) Except as provided for by  
8 Subsection (b) of this section, an underground storage tank may not  
9 be installed, repaired, or removed except by an underground storage  
10 tank contractor who has an installer or an on-site supervisor who  
11 is licensed by the commission under Section 6 of this Act at the  
12 site at all times during the installation, repair, or removal.

13 (b) This Act does not apply to the installation of a storage  
14 tank or other facility exempt from regulation under Section 26.344,  
15 Water Code.

16 SECTION 4. POWERS AND DUTIES OF COMMISSION. (a) The  
17 commission shall:

18 (1) prescribe application forms for original and  
19 renewal licenses; and

20 (2) take other action necessary to enforce this Act.

21 (b) With the advice of the committee, the commission shall  
22 adopt rules for the licensing of installers and on-site  
23 supervisors.

24 (c) The commission may adopt rules relating to continuing  
25 education requirements for installers and on-site supervisors.

26 SECTION 5. EXAMINATION. (a) At times and places designated  
27 by the commission, the commission shall conduct an examination of



1 applicants for licensing as installers and on-site supervisors.

2 (b) The commission shall prescribe the contents of the  
3 examination. Questions used in the examination must be derived  
4 from standards, instructions, and recommended practices published  
5 by organizations with expertise in various aspects of installation,  
6 removal, and repair of underground storage tanks, including the:

- 7 (1) Petroleum Equipment Institute;
- 8 (2) American Petroleum Institute;
- 9 (3) Steel Tank Institute;
- 10 (4) National Association of Corrosion Engineers;
- 11 (5) Fiberglass Petroleum Tank and Pipe Institute; and
- 12 (6) National Fire Protection Association.

13 (c) The commission shall determine standards for acceptable  
14 performance on the examination.

15 (d) If requested by a license applicant who fails the  
16 examination, the commission shall provide to the applicant an  
17 analysis of the applicant's performance on the examination.

18 SECTION 6. LICENSE. (a) The commission shall issue an  
19 installer or on-site supervisor license to an applicant who:

- 20 (1) is at least 18 years of age;
- 21 (2) meets the application requirements prescribed by  
22 commission rule, including any experience requirements not  
23 exceeding two years of active experience;
- 24 (3) passes the licensing examination;
- 25 (4) pays the application, examination, and licensing  
26 fees; and
- 27 (5) meets reasonable training requirements as

determined by the commission.

(b) A license issued under this Act is valid throughout this state but is not assignable or transferable.

SECTION 7. LICENSE RENEWAL. (a) A license is valid for one year and may be renewed annually on or before February 1 on payment of the required renewal fee in presentation of evidence satisfactory to the commission of compliance with any continuing education requirements adopted by the commission.

(b) If a licensee fails to renew the license by the required date, the licensee may renew the license on payment of the renewal fee and a late fee set by the commission. If the license is not renewed earlier than one year after the date on which the license expired, the licensee must retake the licensing examination administered by the commission.

SECTION 8. FEES. (a) The commission shall charge necessary fees to defray the costs of administering the provisions of this Act, which shall be deposited, along with any civil penalties levied under this Act, in the state treasury to the credit of the underground storage tank fund and shall be used by the commission in administering the provisions of this Act. The fees may not exceed the following amounts:

- (1) examination fee .....\$50;
- (2) initial license application .....\$200;
- (3) annual license renewal fee .....\$175;
- (4) late renewal fee .....\$25;
- (5) duplicate license fee .....\$10.

(b) If a person remits an examination fee and initial

1 license application fee, the examination fee shall be applied to  
2 the license application fee so that no person shall pay more than  
3 \$200 for an initial application and examination.

4 SECTION 9. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE OR  
5 CERTIFICATE OF REGISTRATION; REINSTATEMENT. (a) The commission  
6 may deny, suspend, revoke, or reinstate a license or certificate of  
7 registration.

8 (b) The commission shall adopt rules establishing the  
9 grounds for denial, suspension, revocation, or reinstatement of a  
10 license or certificate of registration, and establishing procedures  
11 for disciplinary actions.

12 (c) Proceedings relating to the suspension or revocation of  
13 a license or certificate of registration issued under this Act are  
14 subject to the Administrative Procedure and Texas Register Act  
15 (Article 6252-13a, Vernon's Texas Civil Statutes).

16 (d) A person whose license or certificate of registration  
17 has been revoked may apply for a new license or certificate of  
18 registration after the expiration of one year from the date of the  
19 revocation.

20 SECTION 10. ADVISORY COMMITTEE. (a) The Underground  
21 Storage Tank Advisory Committee is established.

22 (b) The committee is composed of nine members appointed by  
23 the governor with the advice and consent of the senate. Committee  
24 members serve for staggered six-year terms, with the terms of three  
25 members expiring February 1 of each odd-numbered year. A member is  
26 not eligible for appointment to successive terms.

27 (c) The governor shall appoint one member from each of the

1 following geographical areas of this state:

- 2 (1) the Gulf Coast area;
- 3 (2) the Trans-Pecos area;
- 4 (3) the central Texas area;
- 5 (4) the northeast Texas area; and
- 6 (5) the Panhandle-South Plains area.

7 (d) Three members of the committee must be persons with  
8 experience in the installation of underground storage tanks and who  
9 must obtain an installer's license from the commission within two  
10 years of the effective date of this Act.

11 (e) Two members must be professional engineers registered to  
12 practice in this state.

13 (f) Two members must be persons who are not eligible for a  
14 license under this Act, but who have demonstrated experience in  
15 environmental protection, fire protection, or the operation and  
16 maintenance of underground storage tanks.

17 (g) Two members must be persons who own construction firms  
18 in Texas.

19 (h) The governor annually shall designate one member to  
20 serve as chairman. The committee shall meet at the call of the  
21 chairman or at the call of the commission.

22 (i) The committee shall provide technical expertise to the  
23 commission regarding underground storage tanks and shall advise the  
24 commission in the adoption of rules for the licensing and  
25 regulation of installers.

26 (j) A committee member is entitled to receive the  
27 compensatory per diem authorized by the General Appropriations Act

1 for each day spent in performing the member's official duties, and  
2 to reimbursement for expenses incurred in performing those duties  
3 to the extent permitted by the General Appropriations Act.

4 SECTION 11. PENALTIES. (a) A person commits an offense if  
5 the person supervises the installation, repair, or removal of an  
6 underground storage tank in a manner that fails to comply with the  
7 requirements of Section 3 of this Act.

8 (b) An offense under Subsection (a) of this section is a  
9 Class A misdemeanor.

10 (c) A person committing an offense under Subsection (a) of  
11 this section may be assessed a civil penalty by the commission in  
12 an amount not to exceed \$2,500 for each day of violation.

13 (d) If an owner fails to comply with the requirements of  
14 Section 3 of this Act, or a rule adopted by the commission to  
15 implement this Act, the person may be assessed a civil penalty by  
16 the commission in an amount not to exceed \$2,500 for each day of  
17 the violation.

18 SECTION 12. INITIAL APPOINTMENTS. In making the initial  
19 appointments to the advisory committee, the governor shall  
20 designate three members for terms expiring in 1991, three members  
21 for terms expiring in 1993, and three members for terms expiring in  
22 1995.

23 SECTION 13. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A  
24 person is not required to obtain a license under this Act until  
25 February 1, 1990.

26 SECTION 14. EFFECTIVE DATE. This Act takes effect September  
27 1, 1989.

1           SECTION 15. EMERGENCY. The importance of this legislation  
2 and the crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 4, 1989

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 183

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 183 (relating to the regulation of underground storage tank installers; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would that beginning in February 1, 1990, the installation, repair, or removal of underground storage tanks must be performed by an installer licensed by the Water Commission or with an on-site supervisor licensed by the Commission. Installation of underground storage tanks not regulated by Section 26.344 of the Water Code would be exempt from this provision.

The bill would require applicants for licensure to pay application fees, examination fees, and annual renewal fees. The bill would set maximum limits on the fees which would be authorized and the bill would require fee revenues and any civil penalties levied under the bill's provisions to be deposited in the underground storage tank fund in the state treasury.

The bill would create an Underground Storage Tank Advisory Committee with nine members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal Year</u> | <u>Probable Cost Out of the Underground Storage Fund No. 583</u> | <u>Probable Revenue Gain to the Underground Storage Fund No. 583</u> | <u>Change in Number of State Employees from FY 1989</u> |
|--------------------|--|--|---|
| 1990               | \$315,426  | \$315,426  | + 6.5   |
| 1991               | 267,567  | 267,567  | + 6.5   |
| 1992               | 267,567  | 267,567  | + 6.5   |
| 1993               | 267,567  | 267,567  | + 6.5   |
| 1994               | 267,567  | 267,567  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WRC, LV

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 14, 1989

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 183  
By: Robnett

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 183 (relating to the regulation of underground storage tank installers; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would require licensure by the Water Commission beginning in February 1, 1990, of all persons engaging in the installation, repair, or removal of underground storage tanks.

The bill would require applicants for licensure to pay application fees, examination fees, and renewal fees.

The bill would create an Underground Storage Tank Advisory Committee with six members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal<br/>Year</u> | <u>Probable Cost<br/>Out of the<br/>General Revenue Fund</u> | <u>Probable Revenue<br/>Gain to the<br/>General Revenue Fund</u> | <u>Change in Number<br/>of State Employees<br/>from FY 1989</u> |
|------------------------|--|--|---|
| 1990                   | \$315,426  | \$315,426  | + 6.5   |
| 1991                   | 267,567  | 267,567  | + 6.5   |
| 1992                   | 267,567  | 267,567  | + 6.5   |
| 1993                   | 267,567  | 267,567  | + 6.5   |
| 1994                   | 267,567  | 267,567  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WC, LV



# SENATE FAVORABLY AS AMENDED COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

5-28-89  
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred  
HB 183 by Robnett have on 5-25, 1989, had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass with 1 amendments, and be printed

☐ do pass as amended, and be ordered not printed

~~and~~ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☐ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

Senate Sponsor of House Measure Armbrister

The measure was reported from Committee by the following vote:

|                        | YEA                                 | NAY | PNV | ABSENT                              |
|------------------------|-------------------------------------|-----|-----|-------------------------------------|
| Santiesteban, Chairman | <input checked="" type="checkbox"/> |     |     |                                     |
| Lyon, Vice Chairman    |                                     |     |     |                                     |
| Armbrister             | <input checked="" type="checkbox"/> |     |     | <input checked="" type="checkbox"/> |
| Bivins                 | <input checked="" type="checkbox"/> |     |     |                                     |
| Brown                  | <input checked="" type="checkbox"/> |     |     |                                     |
| Carriker               | <input checked="" type="checkbox"/> |     |     | <input checked="" type="checkbox"/> |
| Montford               | <input checked="" type="checkbox"/> |     |     |                                     |
| Ratliff                | <input checked="" type="checkbox"/> |     |     | <input checked="" type="checkbox"/> |
| Sims                   | <input checked="" type="checkbox"/> |     |     |                                     |
| Uribe                  |                                     |     |     |                                     |
| Zaffirini              | <input checked="" type="checkbox"/> |     |     | <input checked="" type="checkbox"/> |
| TOTAL VOTES            | <u>7</u>                            |     |     |                                     |

Shane M. Kleant  
COMMITTEE CLERK

Samuel  
CHAIRMAN

Paper clip the original and one copy of this form to the original bill along with the original and one copy of each committee amendment adopted. Retain one copy of this form for your file.

By: Robnett (Senate Sponsor - Armbrister) H.B. No. 183  
(In the Senate - Received from the House May 12, 1989;  
May 15, 1989, read first time and referred to Committee on Natural  
Resources; May 26, 1989, reported favorably, as amended, by the  
following vote: Yeas 7, Nays 0; May 26, 1989, sent to printer.)

COMMITTEE VOTE

|              | Yea | Nay | PNV | Absent |
|--------------|-----|-----|-----|--------|
| Santiesteban | x   |     |     |        |
| Lyon         |     |     |     | x      |
| Armbrister   | x   |     |     |        |
| Bivins       | x   |     |     |        |
| Brown        |     |     |     | x      |
| Carriker     | x   |     |     |        |
| Montford     |     |     |     | x      |
| Ratliff      | x   |     |     |        |
| Sims         | x   |     |     |        |
| Uribe        |     |     |     | x      |
| Zaffirini    | x   |     |     |        |

COMMITTEE AMENDMENT NO. 1

By: Ratliff

Amend H.B. 183 as follows:

(1) SECTION 1. DEFINITIONS. page 2, Add the following:  
(15) "Critical Junctures" means, in the case of an  
installation, repair or removal, all of the following steps:

(A) preparation of the tank bedding immediately  
prior to receiving the tank;

(B) setting of the tank and the piping,  
including placement of any anchoring devices, backfill to the level  
of the tank, and strapping, if any;

(C) connection of piping systems to the tank;

(D) all pressure testing of the underground  
storage tank including associated piping, performed during the  
installation; and

(E) completion of backfill and filling of the  
excavation;

(F) any time during the repair in which the  
piping system is connected or reconnected to the tank; and

(G) any time during the repair in which the tank  
or its associated piping is tested;

(H) any time during the removal of the tank.

(2) Strike subsection 11(B) of SECTION 1,  
lines 48 through 51, page 2, and insert in lieu thereof the  
following:

(B) an individual with at least two years of  
active experience in the vocation of installation of underground  
storage tanks, underground utilities, or other engineering  
construction in the State of Texas, and who meets the licensing  
requirements under Section 6 of this Act.

(3) Strike subsection (a), SECTION 3, line 26, page 3, and  
insert in lieu thereof the following:

(a) site at all times during the critical junctures of the  
installation, repair or removal.

(4) Strike subdivision (2), Section 6(a),  
lines 62 through 64, page 3, and insert in lieu thereof the  
following:

(2) meets the application requirements prescribed by  
commission rule, including experience in installation of  
underground storage tanks, underground utilities, or other  
engineering construction in the State of Texas, not to exceed two  
years of active experience.

(5) Strike subdivision (f), Section 10, lines 65 through 68,  
page 4, and insert in lieu thereof the following:

(f) One member must be a person who is not eligible for a  
license under this Act, but who has demonstrated experience in  
environmental protection, fire protection, or the operation and  
maintenance of underground storage tanks.

(6) Strike subdivision (g), Section 10, lines 69 through 70,  
page 4, and insert in lieu thereof the following:

(g) Three members must be persons who own construction firms engaged in engineering construction in the State of Texas.

A BILL TO BE ENTITLED  
AN ACT

relating to the regulation of underground storage tank installers; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Water Commission.

(2) "Committee" means the Underground Storage Tank Advisory Committee.

(3) "Installation" means the installation of underground storage tanks and ancillary equipment.

(4) "Installer" means a person who participates in or supervises the installation, repair, or removal of underground storage tanks.

(5) "Operator" means any person in control of, or having responsibility for, the daily operation of the underground storage tank system.

(6) "Owner" means any person who owns an underground storage tank system used for storage, use, or dispensing of regulated substances.

(7) "Person" means a natural person, including an owner, manager, officer, employee, or occupant.

(8) "Removal" means the process of removing and disposing of an underground storage tank that is no longer in service, or the process of abandoning an underground storage tank in place after purging the tank of vapors and filling the vessel of the tank with an inert material.

(9) "Repair" means the modification or correction of an underground storage tank and ancillary equipment. The term does not include:

(A) relining an underground storage tank through the application of epoxy resins or similar materials;

(B) the performance of a tightness test to ascertain the integrity of the tank;

(C) the maintenance and inspection of cathodic protection devices by a corrosion expert or corrosion technician;

(D) emergency actions to halt or prevent leaks or ruptures; or

(E) minor maintenance on ancillary aboveground equipment.

(10) "Underground storage tank" has the meaning assigned by Section 26.342, Water Code.

(11) "On-site supervisor" means:

(A) a professional engineer who has met the licensing requirements under Section 6 of this Act; or

(B) an individual with at least two years of active experience in the vocation of underground storage tank installation or related areas as determined by the commission and who meets the licensing requirements under Section 6 of this Act.

(12) "Underground storage tank contractor" means a person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake to install, repair, or remove underground storage tanks.

(13) "Certificate of registration" means the document issued to an underground storage tank contractor authorizing same to engage in the underground storage tank business in this state.

(14) "License" means the document issued to an installer or on-site supervisor authorizing same to engage in the underground storage tank business in this state.

SECTION 2. CERTIFICATE OF REGISTRATION. (a) An underground storage tank contractor must apply to the commission for a certificate of registration on a form prescribed by the commission. If the contractor is a partnership or joint venture, it need not register in its own name if each partner or joint venture is registered. The application fee for the certificate of

1 registration must be in the amount not to exceed \$100, and the fee  
2 for issuance of either the initial or the renewal certificate of  
3 registration must be in an amount not to exceed \$500.

4 (b) A certificate of registration is valid for one year from  
5 the date of issue and is renewable annually on payment of the  
6 annual fee; provided, however, that the initial certification of  
7 registration issued on or after September 1, 1989, may be issued  
8 for periods of less than one year and the annual fee shall be  
9 prorated proportionally.

10 (c) The fee charged by the board for any request for a  
11 duplicate certificate of registration or license or any request for  
12 change to a certificate of registration must be in an amount not to  
13 exceed \$70.

14 (d) Each certificate of registration must be posted in a  
15 conspicuous place in the contractor's place of business.

16 (e) All bids, proposals, offers, and installation drawings  
17 must prominently display the contractor's certificate of  
18 registration number.

19 (f) A certificate of registration issued under this Act is  
20 not transferable.

21 SECTION 3. LICENSE REQUIRED. (a) Except as provided for by  
22 Subsection (b) of this section, an underground storage tank may not  
23 be installed, repaired, or removed except by an underground storage  
24 tank contractor who has an installer or an on-site supervisor who  
25 is licensed by the commission under Section 6 of this Act at the  
26 site at all times during the installation, repair, or removal.

27 (b) This Act does not apply to the installation of a storage  
28 tank or other facility exempt from regulation under Section 26.344,  
29 Water Code.

30 SECTION 4. POWERS AND DUTIES OF COMMISSION. (a) The  
31 commission shall:

32 (1) prescribe application forms for original and  
33 renewal licenses; and

34 (2) take other action necessary to enforce this Act.

35 (b) With the advice of the committee, the commission shall  
36 adopt rules for the licensing of installers and on-site  
37 supervisors.

38 (c) The commission may adopt rules relating to continuing  
39 education requirements for installers and on-site supervisors.

40 SECTION 5. EXAMINATION. (a) At times and places designated  
41 by the commission, the commission shall conduct an examination of  
42 applicants for licensing as installers and on-site supervisors.

43 (b) The commission shall prescribe the contents of the  
44 examination. Questions used in the examination must be derived  
45 from standards, instructions, and recommended practices published  
46 by organizations with expertise in various aspects of installation,  
47 removal, and repair of underground storage tanks, including the:

48 (1) Petroleum Equipment Institute;

49 (2) American Petroleum Institute;

50 (3) Steel Tank Institute;

51 (4) National Association of Corrosion Engineers;

52 (5) Fiberglass Petroleum Tank and Pipe Institute; and

53 (6) National Fire Protection Association.

54 (c) The commission shall determine standards for acceptable  
55 performance on the examination.

56 (d) If requested by a license applicant who fails the  
57 examination, the commission shall provide to the applicant an  
58 analysis of the applicant's performance on the examination.

59 SECTION 6. LICENSE. (a) The commission shall issue an  
60 installer or on-site supervisor license to an applicant who:

61 (1) is at least 18 years of age;

62 (2) meets the application requirements prescribed by  
63 commission rule, including any experience requirements not  
64 exceeding two years of active experience;

65 (3) passes the licensing examination;

66 (4) pays the application, examination, and licensing  
67 fees; and

68 (5) meets reasonable training requirements as  
69 determined by the commission.

70 (b) A license issued under this Act is valid throughout this

state but is not assignable or transferable.

SECTION 7. LICENSE RENEWAL. (a) A license is valid for one year and may be renewed annually on or before February 1 on payment of the required renewal fee in presentation of evidence satisfactory to the commission of compliance with any continuing education requirements adopted by the commission.

(b) If a licensee fails to renew the license by the required date, the licensee may renew the license on payment of the renewal fee and a late fee set by the commission. If the license is not renewed earlier than one year after the date on which the license expired, the licensee must retake the licensing examination administered by the commission.

SECTION 8. FEES. (a) The commission shall charge necessary fees to defray the costs of administering the provisions of this Act, which shall be deposited, along with any civil penalties levied under this Act, in the state treasury to the credit of the underground storage tank fund and shall be used by the commission in administering the provisions of this Act. The fees may not exceed the following amounts:

- (1) examination fee .....\$50;
- (2) initial license application .....\$200;
- (3) annual license renewal fee .....\$175;
- (4) late renewal fee .....\$25;
- (5) duplicate license fee .....\$10.

(b) If a person remits an examination fee and initial license application fee, the examination fee shall be applied to the license application fee so that no person shall pay more than \$200 for an initial application and examination.

SECTION 9. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE OR CERTIFICATE OF REGISTRATION; REINSTATEMENT. (a) The commission may deny, suspend, revoke, or reinstate a license or certificate of registration.

(b) The commission shall adopt rules establishing the grounds for denial, suspension, revocation, or reinstatement of a license or certificate of registration, and establishing procedures for disciplinary actions.

(c) Proceedings relating to the suspension or revocation of a license or certificate of registration issued under this Act are subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(d) A person whose license or certificate of registration has been revoked may apply for a new license or certificate of registration after the expiration of one year from the date of the revocation.

SECTION 10. ADVISORY COMMITTEE. (a) The Underground Storage Tank Advisory Committee is established.

(b) The committee is composed of nine members appointed by the governor with the advice and consent of the senate. Committee members serve for staggered six-year terms, with the terms of three members expiring February 1 of each odd-numbered year. A member is not eligible for appointment to successive terms.

(c) The governor shall appoint one member from each of the following geographical areas of this state:

- (1) the Gulf Coast area;
- (2) the Trans-Pecos area;
- (3) the central Texas area;
- (4) the northeast Texas area; and
- (5) the Panhandle-South Plains area.

(d) Three members of the committee must be persons with experience in the installation of underground storage tanks and who must obtain an installer's license from the commission within two years of the effective date of this Act.

(e) Two members must be professional engineers registered to practice in this state.

(f) Two members must be persons who are not eligible for a license under this Act, but who have demonstrated experience in environmental protection, fire protection, or the operation and maintenance of underground storage tanks.

(g) Two members must be persons who own construction firms in Texas.

(h) The governor annually shall designate one member to serve as chairman. The committee shall meet at the call of the chairman or at the call of the commission.

(i) The committee shall provide technical expertise to the commission regarding underground storage tanks and shall advise the commission in the adoption of rules for the licensing and regulation of installers.

(j) A committee member is entitled to receive the compensatory per diem authorized by the General Appropriations Act for each day spent in performing the member's official duties, and to reimbursement for expenses incurred in performing those duties to the extent permitted by the General Appropriations Act.

SECTION 11. PENALTIES. (a) A person commits an offense if the person supervises the installation, repair, or removal of an underground storage tank in a manner that fails to comply with the requirements of Section 3 of this Act.

(b) An offense under Subsection (a) of this section is a Class A misdemeanor.

(c) A person committing an offense under Subsection (a) of this section may be assessed a civil penalty by the commission in an amount not to exceed \$2,500 for each day of violation.

(d) If an owner fails to comply with the requirements of Section 3 of this Act, or a rule adopted by the commission to implement this Act, the person may be assessed a civil penalty by the commission in an amount not to exceed \$2,500 for each day of the violation.

SECTION 12. INITIAL APPOINTMENTS. In making the initial appointments to the advisory committee, the governor shall designate three members for terms expiring in 1991, three members for terms expiring in 1993, and three members for terms expiring in 1995.

SECTION 13. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A person is not required to obtain a license under this Act until February 1, 1990.

SECTION 14. EFFECTIVE DATE. This Act takes effect September 1, 1989.

SECTION 15. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

\* \* \* \* \*

Austin, Texas  
May 26, 1989

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred H.B. No. 183, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

Santiesteban, Chairman

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 17, 1989

TO: Honorable H. Tati Santiesteban, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

In Re: House Bill No. 183,  
as engrossed  
By: Robnett

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 183, as engrossed (relating to the regulation of underground storage tank installers; providing penalties) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would that beginning in February 1, 1990, the installation, repair, or removal of underground storage tanks must be performed by an installer licensed by the Water Commission or with an on-site supervisor licensed by the Commission. Installation of underground storage tanks not regulated by Section 26.344 of the Water Code would be exempt from this provision.

The bill would require underground storage tank contractors to obtain a certificate of registration from the Water Commission. The bill would require such contractors to pay an application fee (not to exceed \$100), an annual certificate fee (not to exceed \$500) and a fee for changing the registration.

The bill would require applicants for licensure as an installer or on site supervisor to pay application fees, examination fees, and annual renewal fees. The bill would set maximum limits on the fees which would be authorized and the bill would require fee revenues and any civil penalties levied under the bill's provisions to be deposited in the underground storage tank fund in the state treasury.

The bill would create an Underground Storage Tank Advisory Committee with nine members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal Year</u> | <u>Probable Cost Out of the Underground Storage Fund No. 583</u> | <u>Probable Revenue Gain to the Underground Storage Fund No. 583</u> | <u>Probable Revenue Gain to the General Revenue Fund</u> | <u>Change in Number of State Employees from FY 1989</u> |
|--------------------|--|--|--|---|
| 1990               | \$315,426  | \$315,426  | \$160,000  | + 6.5   |
| 1991               | 267,567  | 267,567  | 160,000  | + 6.5   |
| 1992               | 267,567  | 267,567  | 160,000  | + 6.5   |
| 1993               | 267,567  | 267,567  | 160,000  | + 6.5   |
| 1994               | 267,567  | 267,567  | 160,000  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WRC, CKM

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 4, 1989

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 183

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 183 (relating to the regulation of underground storage tank installers; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would that beginning in February 1, 1990, the installation, repair, or removal of underground storage tanks must be performed by an installer licensed by the Water Commission or with an on-site supervisor licensed by the Commission. Installation of underground storage tanks not regulated by Section 26.344 of the Water Code would be exempt from this provision.

The bill would require applicants for licensure to pay application fees, examination fees, and annual renewal fees. The bill would set maximum limits on the fees which would be authorized and the bill would require fee revenues and any civil penalties levied under the bill's provisions to be deposited in the underground storage tank fund in the state treasury.

The bill would create an Underground Storage Tank Advisory Committee with nine members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal<br/>Year</u> | <u>Probable Cost Out of<br/>the Underground<br/>Storage Fund No. 583</u> | <u>Probable Revenue Gain<br/>to the Underground<br/>Storage Fund No. 583</u> | <u>Change in Number<br/>of State Employees<br/>from FY 1989</u> |
|------------------------|--|--|---|
| 1990                   | \$315,426  | \$315,426  | + 6.5   |
| 1991                   | 267,567  | 267,567  | + 6.5   |
| 1992                   | 267,567  | 267,567  | + 6.5   |
| 1993                   | 267,567  | 267,567  | + 6.5   |
| 1994                   | 267,567  | 267,567  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WRC, LV



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 14, 1989

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 183  
By: Robnett

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 183 (relating to the regulation of underground storage tank installers; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would require licensure by the Water Commission beginning in February 1, 1990, of all persons engaging in the installation, repair, or removal of underground storage tanks.

The bill would require applicants for licensure to pay application fees, examination fees, and renewal fees.

The bill would create an Underground Storage Tank Advisory Committee with six members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal<br/>Year</u> | <u>Probable Cost<br/>Out of the<br/>General Revenue Fund</u> | <u>Probable Revenue<br/>Gain to the<br/>General Revenue Fund</u> | <u>Change in Number<br/>of State Employees<br/>from FY 1989</u> |
|------------------------|--|--|---|
| 1990                   | \$315,426  | \$315,426  | + 6.5   |
| 1991                   | 267,567  | 267,567  | + 6.5   |
| 1992                   | 267,567  | 267,567  | + 6.5   |
| 1993                   | 267,567  | 267,567  | + 6.5   |
| 1994                   | 267,567  | 267,567  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WC, LV

Amend H.B. 183 as follows:

(Y) SECTION 1. DEFINITIONS. page 2, Add the following:

90/267

(15) "Critical punctures" means, in the case of an installation, repair or removal, all of the following steps:

(A) preparation of the tank bedding immediately prior to receiving the tank;

(B) setting of the tank and the piping, including placement of any anchoring devices, backfill to the level of the tank, and strapping, if any;

(C) connection of piping systems to the tank;

(D) all pressure testing of the underground storage tank, including associated piping, performed during the installation; and

ADOPTED  
MAY 28 1989 (E) completion of backfill and filling of the excavation;

*King* (F) any time during the repair in which the piping system is connected or reconnected to the tank; and

(G) any time during the repair in which the tank or its associated piping is tested; and

(H) any time during the removal of the tank. *11/16*

12/292  
292, 296  
(2) Strike subsection 11(B) of SECTION 1, lines 21 through 24, page 2, and insert in lieu thereof the following:

(B) an individual with at least two years of active experience in the vocation of installation of underground storage tanks, underground utilities, or other engineering construction in the State of Texas, and who meets the licensing requirements under Section 6 of this Act.

(3) Strike subsection (a), SECTION 3, line 12, page 4, and insert in lieu thereof the following:

(a) site at all times during the (critical junctures of the installation, repair or removal.

306, 310 (4) Strike subdivision (2), Section 6(a), lines 21 through 23, page 5, and insert in lieu thereof the following:

(2) meets the application requirements prescribed by commission rule, including experience in installation of underground storage tanks, underground utilities, or other engineering construction in the State of Texas, not to exceed two years of active experience.

314, 318 (5) Strike subdivision (f), Section 10, lines 13 through 16, page 8, and insert in lieu thereof the following:

(f) One member must be a person who is not eligible for a license under this Act, but who has demonstrated experience in environmental protection, fire protection, or the operation and maintenance of underground storage tanks.

(6) Strike subdivision (g), Section 10, lines 17 through 18, page 8, and insert in lieu thereof the following:

(g) Three members must be persons who own construction firms engaged in engineering construction in the State of Texas.

ADOPTED

MAY 23 1989

*Long*

*FLOOR*

COMMITTEE AMENDMENT NO. 1

BY Armbrister

1 Amend H.B. 183 as follows:

2 ✓ (1) On page 2, line <sup>46</sup>10, after "engineer", insert "registered to  
3 practice in this state".

4 ✓ (2) On page <sup>2</sup>8, beginning on line <sup>67</sup>13, strike "The application fee  
5 for the certificate of registration must be in the amount not to  
6 exceed \$100, and the fee for issuance of either the initial or  
7 the renewal certificate of registration must be in an amount not  
8 to exceed \$500.".

9 ✓ (3) On page 3, strike lines <sup>10</sup>28 through <sup>13</sup>26, Subsection (c) of  
10 Section 2, and renumber Subsections (d), (e), and (f)  
11 accordingly.

12 ✓ (4) On page <sup>3</sup>8, renumber Subsection (b) of Section 3 as  
13 Subsection (c), and add a new Subsection (b), to read as follows:

14 *Insert* (b) A license issued under this Act is not transferable.

15 ✓ (5) On page <sup>1</sup>1, line <sup>1</sup>6, strike "in" and substitute "and".

16 ✓ (6) On page <sup>4</sup>8, lines <sup>15</sup>14 and <sup>16</sup>15, strike ", along with any civil  
17 penalties levied under this Act,".

18 ✓ (7) On page <sup>4</sup>8, add Subsections (a)(6), (a)(8), (a)(9), and  
19 (a)(10) to Section 8, to read as follows:

20 (6) certification of registration

21 application fee.....\$50;

22 (7) certification of registration

23 issuance fee.....\$100;

24

COMMITTEE AMENDMENT NO. \_\_\_\_\_

- 1 PP (8) certification of registration  
2 annual renewal fee.....\$75;  
3 (9) duplicate certification  
4 of registration or license.....\$10;  
5 (10) application to change certificate  
6 of registration.....\$70.

---

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

ADOPTED

MAY 28 1989

*Latimer King*  
Secretary of the Senate

# SENATE AMENDMENTS

2nd Printing

By Robnett

H.B. No. 183

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of underground storage tank installers;  
providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Water Commission.

(2) "Committee" means the Underground Storage Tank  
Advisory Committee.

(3) "Installation" means the installation of  
underground storage tanks and ancillary equipment.

(4) "Installer" means a person who participates in or  
supervises the installation, repair, or removal of underground  
storage tanks.

(5) "Operator" means any person in control of, or  
having responsibility for, the daily operation of the underground  
storage tank system.

(6) "Owner" means any person who owns an underground  
storage tank system used for storage, use, or dispensing of  
regulated substances.

(7) "Person" means a natural person, including an  
owner, manager, officer, employee, or occupant.

(8) "Removal" means the process of removing and  
disposing of an underground storage tank that is no longer in  
service, or the process of abandoning an underground storage tank

1 in place after purging the tank of vapors and filling the vessel of  
2 the tank with an inert material.

3 (9) "Repair" means the modification or correction of  
4 an underground storage tank and ancillary equipment. The term does  
5 not include:

6 (A) relining an underground storage tank through  
7 the application of epoxy resins or similar materials;

8 (B) the performance of a tightness test to  
9 ascertain the integrity of the tank;

10 (C) the maintenance and inspection of cathodic  
11 protection devices by a corrosion expert or corrosion technician;

12 (D) emergency actions to halt or prevent leaks  
13 or ruptures; or

14 (E) minor maintenance on ancillary aboveground  
15 equipment.

16 (10) "Underground storage tank" has the meaning  
17 assigned by Section 26.342, Water Code.

18 (11) "On-site supervisor" means:

19 (A) a professional engineer who has met the  
20 licensing requirements under Section 6 of this Act; or

21 (B) an individual with at least two years of  
22 active experience in the vocation of underground storage tank  
23 installation or related areas as determined by the commission and  
24 who meets the licensing requirements under Section 6 of this Act.

25 (12) "Underground storage tank contractor" means a  
26 person or business entity that offers to undertake, represents  
27 itself as being able to undertake, or does undertake to install,



1 repair, or remove underground storage tanks.

2 (13) "Certificate of registration" means the document  
3 issued to an underground storage tank contractor authorizing same  
4 to engage in the underground storage tank business in this state.

5 (14) "License" means the document issued to an  
6 installer or on-site supervisor authorizing same to engage in the  
7 underground storage tank business in this state.

8 SECTION 2. CERTIFICATE OF REGISTRATION. (a) An underground  
9 storage tank contractor must apply to the commission for a  
10 certificate of registration on a form prescribed by the commission.  
11 If the contractor is a partnership or joint venture, it need not  
12 register in its own name if each partner or joint venture is  
13 registered. The application fee for the certificate of  
14 registration must be in the amount not to exceed \$100, and the fee  
15 for issuance of either the initial or the renewal certificate of  
16 registration must be in an amount not to exceed \$500.

17 (b) A certificate of registration is valid for one year from  
18 the date of issue and is renewable annually on payment of the  
19 annual fee; provided, however, that the initial certification of  
20 registration issued on or after September 1, 1989, may be issued  
21 for periods of less than one year and the annual fee shall be  
22 prorated proportionally.

23 (c) The fee charged by the board for any request for a  
24 duplicate certificate of registration or license or any request for  
25 change to a certificate of registration must be in an amount not to  
26 exceed \$70.

27 (d) Each certificate of registration must be posted in a

1 conspicuous place in the contractor's place of business.

2 (e) All bids, proposals, offers, and installation drawings  
3 must prominently display the contractor's certificate of  
4 registration number.

5 (f) A certificate of registration issued under this Act is  
6 not transferable.

7 SECTION 3. LICENSE REQUIRED. (a) Except as provided for by  
8 Subsection (b) of this section, an underground storage tank may not  
9 be installed, repaired, or removed except by an underground storage  
10 tank contractor who has an installer or an on-site supervisor who  
11 is licensed by the commission under Section 6 of this Act at the  
12 site at all times during the installation, repair, or removal.

13 (b) This Act does not apply to the installation of a storage  
14 tank or other facility exempt from regulation under Section 26.344,  
15 Water Code.

16 SECTION 4. POWERS AND DUTIES OF COMMISSION. (a) The  
17 commission shall:

18 (1) prescribe application forms for original and  
19 renewal licenses; and

20 (2) take other action necessary to enforce this Act.

21 (b) With the advice of the committee, the commission shall  
22 adopt rules for the licensing of installers and on-site  
23 supervisors.

24 (c) The commission may adopt rules relating to continuing  
25 education requirements for installers and on-site supervisors.

26 SECTION 5. EXAMINATION. (a) At times and places designated  
27 by the commission, the commission shall conduct an examination of

1 applicants for licensing as installers and on-site supervisors.

2 (b) The commission shall prescribe the contents of the  
3 examination. Questions used in the examination must be derived  
4 from standards, instructions, and recommended practices published  
5 by organizations with expertise in various aspects of installation,  
6 removal, and repair of underground storage tanks, including the:

- 7 (1) Petroleum Equipment Institute;
- 8 (2) American Petroleum Institute;
- 9 (3) Steel Tank Institute;
- 10 (4) National Association of Corrosion Engineers;
- 11 (5) Fiberglass Petroleum Tank and Pipe Institute; and
- 12 (6) National Fire Protection Association.

13 (c) The commission shall determine standards for acceptable  
14 performance on the examination.

15 (d) If requested by a license applicant who fails the  
16 examination, the commission shall provide to the applicant an  
17 analysis of the applicant's performance on the examination.

18 SECTION 6. LICENSE. (a) The commission shall issue an  
19 installer or on-site supervisor license to an applicant who:

- 20 (1) is at least 18 years of age;
- 21 (2) meets the application requirements prescribed by  
22 commission rule, including any experience requirements not  
23 exceeding two years of active experience;
- 24 (3) passes the licensing examination;
- 25 (4) pays the application, examination, and licensing  
26 fees; and
- 27 (5) meets reasonable training requirements as

1 determined by the commission.

2 (b) A license issued under this Act is valid throughout this  
3 state but is not assignable or transferable.

4 SECTION 7. LICENSE RENEWAL. (a) A license is valid for one  
5 year and may be renewed annually on or before February 1 on payment  
6 of the required renewal fee in presentation of evidence  
7 satisfactory to the commission of compliance with any continuing  
8 education requirements adopted by the commission.

9 (b) If a licensee fails to renew the license by the required  
10 date, the licensee may renew the license on payment of the renewal  
11 fee and a late fee set by the commission. If the license is not  
12 renewed earlier than one year after the date on which the license  
13 expired, the licensee must retake the licensing examination  
14 administered by the commission.

15 SECTION 8. FEES. (a) The commission shall charge necessary  
16 fees to defray the costs of administering the provisions of this  
17 Act, which shall be deposited, along with any civil penalties  
18 levied under this Act, in the state treasury to the credit of the  
19 underground storage tank fund and shall be used by the commission  
20 in administering the provisions of this Act. The fees may not  
21 exceed the following amounts:

- 22 (1) examination fee .....\$50;  
23 (2) initial license application .....\$200;  
24 (3) annual license renewal fee .....\$175;  
25 (4) late renewal fee .....\$25;  
26 (5) duplicate license fee .....\$10.

27 (b) If a person remits an examination fee and initial

1 license application fee, the examination fee shall be applied to  
2 the license application fee so that no person shall pay more than  
3 \$200 for an initial application and examination.

4 SECTION 9. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE OR  
5 CERTIFICATE OF REGISTRATION; REINSTATEMENT. (a) The commission  
6 may deny, suspend, revoke, or reinstate a license or certificate of  
7 registration.

8 (b) The commission shall adopt rules establishing the  
9 grounds for denial, suspension, revocation, or reinstatement of a  
10 license or certificate of registration, and establishing procedures  
11 for disciplinary actions.

12 (c) Proceedings relating to the suspension or revocation of  
13 a license or certificate of registration issued under this Act are  
14 subject to the Administrative Procedure and Texas Register Act  
15 (Article 6252-13a, Vernon's Texas Civil Statutes).

16 (d) A person whose license or certificate of registration  
17 has been revoked may apply for a new license or certificate of  
18 registration after the expiration of one year from the date of the  
19 revocation.

20 SECTION 10. ADVISORY COMMITTEE. (a) The Underground  
21 Storage Tank Advisory Committee is established.

22 (b) The committee is composed of nine members appointed by  
23 the governor with the advice and consent of the senate. Committee  
24 members serve for staggered six-year terms, with the terms of three  
25 members expiring February 1 of each odd-numbered year. A member is  
26 not eligible for appointment to successive terms.

27 (c) The governor shall appoint one member from each of the

1 following geographical areas of this state:

- 2 (1) the Gulf Coast area;
- 3 (2) the Trans-Pecos area;
- 4 (3) the central Texas area;
- 5 (4) the northeast Texas area; and
- 6 (5) the Panhandle-South Plains area.

7 (d) Three members of the committee must be persons with  
8 experience in the installation of underground storage tanks and who  
9 must obtain an installer's license from the commission within two  
10 years of the effective date of this Act.

11 (e) Two members must be professional engineers registered to  
12 practice in this state.

13 (f) Two members must be persons who are not eligible for a  
14 license under this Act, but who have demonstrated experience in  
15 environmental protection, fire protection, or the operation and  
16 maintenance of underground storage tanks.

17 (g) Two members must be persons who own construction firms  
18 in Texas.

19 (h) The governor annually shall designate one member to  
20 serve as chairman. The committee shall meet at the call of the  
21 chairman or at the call of the commission.

22 (i) The committee shall provide technical expertise to the  
23 commission regarding underground storage tanks and shall advise the  
24 commission in the adoption of rules for the licensing and  
25 regulation of installers.

26 (j) A committee member is entitled to receive the  
27 compensatory per diem authorized by the General Appropriations Act

1 for each day spent in performing the member's official duties, and  
2 to reimbursement for expenses incurred in performing those duties  
3 to the extent permitted by the General Appropriations Act.

4 SECTION 11. PENALTIES. (a) A person commits an offense if  
5 the person supervises the installation, repair, or removal of an  
6 underground storage tank in a manner that fails to comply with the  
7 requirements of Section 3 of this Act.

8 (b) An offense under Subsection (a) of this section is a  
9 Class A misdemeanor.

10 (c) A person committing an offense under Subsection (a) of  
11 this section may be assessed a civil penalty by the commission in  
12 an amount not to exceed \$2,500 for each day of violation.

13 (d) If an owner fails to comply with the requirements of  
14 Section 3 of this Act, or a rule adopted by the commission to  
15 implement this Act, the person may be assessed a civil penalty by  
16 the commission in an amount not to exceed \$2,500 for each day of  
17 the violation.

18 SECTION 12. INITIAL APPOINTMENTS. In making the initial  
19 appointments to the advisory committee, the governor shall  
20 designate three members for terms expiring in 1991, three members  
21 for terms expiring in 1993, and three members for terms expiring in  
22 1995.

23 SECTION 13. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A  
24 person is not required to obtain a license under this Act until  
25 February 1, 1990.

26 SECTION 14. EFFECTIVE DATE. This Act takes effect September  
27 1, 1989.

1       SECTION 15. EMERGENCY. The importance of this legislation  
2       and the crowded condition of the calendars in both houses create an  
3       emergency and an imperative public necessity that the  
4       constitutional rule requiring bills to be read on three several  
5       days in each house be suspended, and this rule is hereby suspended.



Amend H.B. 183 as follows:

(1) SECTION 1. DEFINITIONS. page 2, Add the following:

(15) "Critical Junctures" means, in the case of an installation, repair or removal, all of the following steps:

(A) preparation of the tank bedding immediately prior to receiving the tank;

(B) setting of the tank and the piping, including placement of any anchoring devices, backfill to the level of the tank, and strapping, if any;

(C) connection of piping systems to the tank;

(D) all pressure testing of the underground storage tank including associated piping, performed during the installation; and

**ADOPTED**

MAY 28 1989 (E) completion of backfill and filling of the excavation;

*Anthony King*  
Secretary of the Senate

(F) any time during the repair in which the piping system is connected or reconnected to the tank; and

(G) any time during the repair in which the tank or its associated piping is tested;

(H) any time during the removal of the tank.

(2) Strike subsection 11(B) of SECTION 1, lines 21 through 24, page 2, and insert in lieu thereof the following:

(B) an individual with at least two years of active experience in the vocation of installation of underground storage tanks, underground utilities, or other engineering construction in the State of Texas, and who meets the licensing requirements under Section 6 of this Act.

(3) Strike subsection (a), SECTION 3, line 12, page 4, and insert in lieu thereof the following:

(a) site at all times during the critical junctures of the installation, repair or removal.

(4) Strike subdivision (2), Section 6(a), lines 21 through 23, page 5, and insert in lieu thereof the following:

(2) meets the application requirements prescribed by commission rule, including experience in installation of underground storage tanks, underground utilities, or other engineering construction in the State of Texas, not to exceed two years of active experience.

(5) Strike subdivision (f), Section 10, lines 13 through 16, page 8, and insert in lieu thereof the following:

(f) One member must be a person who is not eligible for a license under this Act, but who has demonstrated experience in environmental protection, fire protection, or the operation and maintenance of underground storage tanks.

(6) Strike subdivision (g), Section 10, lines 17 through 18, page 8, and insert in lieu thereof the following:

(g) Three members must be persons who own construction firms engaged in engineering construction in the State of Texas.

ADOPTED

MAY 25 1989

*Leahy*

*FLOOR*

COMMITTEE AMENDMENT NO. 1

BY Armbrister

1 Amend H.B. 183 as follows:

2 (1) On page 2, line <sup>46</sup>10, after "engineer", insert "registered to  
3 practice in this state".

4 (2) On page <sup>2</sup>8, beginning on line <sup>67</sup>13, strike "The application fee  
5 for the certificate of registration must be in the amount not to  
6 exceed \$100, and the fee for issuance of either the initial or  
7 the renewal certificate of registration must be in an amount not  
8 to exceed \$500.".

9 (3) On page 3, strike lines <sup>10</sup>28 through <sup>13</sup>26, Subsection (c) of  
10 Section 2, and renumber Subsections (d), (e), and (f)  
11 accordingly.

12 (4) On page <sup>3</sup>8, renumber Subsection (b) of Section 3 as  
13 Subsection (c), and add a new Subsection (b), to read as follows:

14 (b) A license issued under this Act is not transferable.

15 (5) On page <sup>1</sup>1, line <sup>1</sup>6, strike "in" and substitute "and".

16 (6) On page <sup>4</sup>8, lines <sup>15</sup>14 and <sup>16</sup>15, strike ", along with any civil  
17 penalties levied under this Act,".

18 (7) On page <sup>4</sup>8, add Subsections (a)(6), (a)(8), (a)(9), and  
19 (a)(10) to Section 8, to read as follows:

20 (6) certification of registration  
21 application fee.....\$50.

22 (7) certification of registration  
23 issuance fee.....\$100.

24

*113*

COMMITTEE AMENDMENT NO. \_\_\_\_\_

- 1       (8) certification of registration
- 2       annual renewal fee.....\$75.
- 3       (9) duplicate certification
- 4       of registration or license.....\$10.
- 5       (10) application to change certificate
- 6       of registration.....\$70.

714

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

ADOPTED

MAY 23 1880

*Langdon*  
Secretary of the Senate

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 17, 1989

TO: Honorable H. Tati Santiesteban, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

In Re: House Bill No. 183,  
as engrossed  
By: Robnett

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 183, as engrossed (relating to the regulation of underground storage tank installers; providing penalties) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would that beginning in February 1, 1990, the installation, repair, or removal of underground storage tanks must be performed by an installer licensed by the Water Commission or with an on-site supervisor licensed by the Commission. Installation of underground storage tanks not regulated by Section 26.344 of the Water Code would be exempt from this provision.

The bill would require underground storage tank contractors to obtain a certificate of registration from the Water Commission. The bill would require such contractors to pay an application fee (not to exceed \$100), an annual certificate fee (not to exceed \$500) and a fee for changing the registration.

The bill would require applicants for licensure as an installer or on site supervisor to pay application fees, examination fees, and annual renewal fees. The bill would set maximum limits on the fees which would be authorized and the bill would require fee revenues and any civil penalties levied under the bill's provisions to be deposited in the underground storage tank fund in the state treasury.

The bill would create an Underground Storage Tank Advisory Committee with nine members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| Fiscal Year | Probable Cost Out of the Underground Storage Fund No. 583 | Probable Revenue Gain to the Underground Storage Fund No. 583 | Probable Revenue Gain to the General Revenue Fund | Change in Number of State Employees from FY 1989 |
|-------------|---|---|---|--|
| 1990        | \$315,426   | \$315,426   | \$160,000   | + 6.5  |
| 1991        | 267,567   | 267,567   | 160,000   | + 6.5  |
| 1992        | 267,567   | 267,567   | 160,000   | + 6.5  |
| 1993        | 267,567   | 267,567   | 160,000   | + 6.5  |
| 1994        | 267,567   | 267,567   | 160,000   | + 6.5  |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WRC, CKM

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 4, 1989

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 183

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 183 (relating to the regulation of underground storage tank installers; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would that beginning in February 1, 1990, the installation, repair, or removal of underground storage tanks must be performed by an installer licensed by the Water Commission or with an on-site supervisor licensed by the Commission. Installation of underground storage tanks not regulated by Section 26.344 of the Water Code would be exempt from this provision.

The bill would require applicants for licensure to pay application fees, examination fees, and annual renewal fees. The bill would set maximum limits on the fees which would be authorized and the bill would require fee revenues and any civil penalties levied under the bill's provisions to be deposited in the underground storage tank fund in the state treasury.

The bill would create an Underground Storage Tank Advisory Committee with nine members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal Year</u> | <u>Probable Cost Out of the Underground Storage Fund No. 583</u> | <u>Probable Revenue Gain to the Underground Storage Fund No. 583</u> | <u>Change in Number of State Employees from FY 1989</u> |
|--------------------|--|--|---|
| 1990               | \$315,426  | \$315,426  | + 6.5   |
| 1991               | 267,567  | 267,567  | + 6.5   |
| 1992               | 267,567  | 267,567  | + 6.5   |
| 1993               | 267,567  | 267,567  | + 6.5   |
| 1994               | 267,567  | 267,567  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WRC, LV

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 14, 1989

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 183  
By: Robnett

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 183 (relating to the regulation of underground storage tank installers; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would require licensure by the Water Commission beginning in February 1, 1990, of all persons engaging in the installation, repair, or removal of underground storage tanks.

The bill would require applicants for licensure to pay application fees, examination fees, and renewal fees.

The bill would create an Underground Storage Tank Advisory Committee with six members who would be entitled to compensatory per diem and reimbursement for expenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| <u>Fiscal<br/>Year</u> | <u>Probable Cost<br/>Out of the<br/>General Revenue Fund</u> | <u>Probable Revenue<br/>Gain to the<br/>General Revenue Fund</u> | <u>Change in Number<br/>of State Employees<br/>from FY 1989</u> |
|------------------------|--|--|---|
| 1990                   | \$315,426  | \$315,426  | + 6.5   |
| 1991                   | 267,567  | 267,567  | + 6.5   |
| 1992                   | 267,567  | 267,567  | + 6.5   |
| 1993                   | 267,567  | 267,567  | + 6.5   |
| 1994                   | 267,567  | 267,567  | + 6.5   |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, JWH, AL, WC, LV



**F**  
**ENROLLED**

H.B. No. 183

1 AN ACT

2 relating to the regulation of underground storage tank installers;  
3 providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. DEFINITIONS. In this Act:

6 (1) "Commission" means the Texas Water Commission.

7 (2) "Committee" means the Underground Storage Tank  
8 Advisory Committee.

9 (3) "Installation" means the installation of  
10 underground storage tanks and ancillary equipment.

11 (4) "Installer" means a person who participates in or  
12 supervises the installation, repair, or removal of underground  
13 storage tanks.

14 (5) "Operator" means any person in control of, or  
15 having responsibility for, the daily operation of the underground  
16 storage tank system.

17 (6) "Owner" means any person who owns an underground  
18 storage tank system used for storage, use, or dispensing of  
19 regulated substances.

20 (7) "Person" means a natural person, including an  
21 owner, manager, officer, employee, or occupant.

22 (8) "Removal" means the process of removing and  
23 disposing of an underground storage tank that is no longer in  
24 service, or the process of abandoning an underground storage tank

1 in place after purging the tank of vapors and filling the vessel of  
2 the tank with an inert material.

3 (9) "Repair" means the modification or correction of  
4 an underground storage tank and ancillary equipment. The term does  
5 not include:

6 (A) relining an underground storage tank through  
7 the application of epoxy resins or similar materials;

8 (B) the performance of a tightness test to  
9 ascertain the integrity of the tank;

10 (C) the maintenance and inspection of cathodic  
11 protection devices by a corrosion expert or corrosion technician;

12 (D) emergency actions to halt or prevent leaks  
13 or ruptures; or

14 (E) minor maintenance on ancillary aboveground  
15 equipment.

16 (10) "Underground storage tank" has the meaning  
17 assigned by Section 26.342, Water Code.

18 (11) "On-site supervisor" means:

19 (A) a professional engineer registered to  
20 practice in this state who has met the licensing requirements under  
21 Section 6 of this Act; or

22 (B) an individual with at least two years of  
23 active experience in the vocation of installation of underground  
24 storage tanks, underground utilities, or other engineering  
25 construction in the State of Texas and who meets the licensing  
26 requirements under Section 6 of this Act.

27 (12) "Underground storage tank contractor" means a

1 person or business entity that offers to undertake, represents  
2 itself as being able to undertake, or does undertake to install,  
3 repair, or remove underground storage tanks.

4 (13) "Certificate of registration" means the document  
5 issued to an underground storage tank contractor authorizing same  
6 to engage in the underground storage tank business in this state.

7 (14) "License" means the document issued to an  
8 installer or on-site supervisor authorizing same to engage in the  
9 underground storage tank business in this state.

10 (15) "Critical junctures" means, in the case of an  
11 installation, repair, or removal, all of the following steps:

12 (A) preparation of the tank bedding immediately  
13 prior to receiving the tank;

14 (B) setting of the tank and the piping,  
15 including placement of any anchoring devices, backfill to the level  
16 of the tank, and strapping, if any;

17 (C) connection of piping systems to the tank;

18 (D) all pressure testing of the underground  
19 storage tank, including associated piping, performed during the  
20 installation;

21 (E) completion of backfill and filling of the  
22 excavation;

23 (F) any time during the repair in which the  
24 piping system is connected or reconnected to the tank;

25 (G) any time during the repair in which the tank  
26 or its associated piping is tested; and

27 (H) any time during the removal of the tank.

1           SECTION 2. CERTIFICATE OF REGISTRATION. (a) An underground  
2 storage tank contractor must apply to the commission for a  
3 certificate of registration on a form prescribed by the commission.  
4 If the contractor is a partnership or joint venture, it need not  
5 register in its own name if each partner or joint venture is  
6 registered.

7           (b) A certificate of registration is valid for one year from  
8 the date of issue and is renewable annually on payment of the  
9 annual fee; provided, however, that the initial certification of  
10 registration issued on or after September 1, 1989, may be issued  
11 for periods of less than one year and the annual fee shall be  
12 prorated proportionally.

13           (c) Each certificate of registration must be posted in a  
14 conspicuous place in the contractor's place of business.

15           (d) All bids, proposals, offers, and installation drawings  
16 must prominently display the contractor's certificate of  
17 registration number.

18           (e) A certificate of registration issued under this Act is  
19 not transferable.

20           SECTION 3. LICENSE REQUIRED. (a) Except as provided for by  
21 Subsection (b) of this section, an underground storage tank may not  
22 be installed, repaired, or removed except by an underground storage  
23 tank contractor who has an installer or an on-site supervisor who  
24 is licensed by the commission under Section 6 of this Act at the  
25 site at all times during the critical junctures of the  
26 installation, repair, or removal.

27           (b) A license issued under this Act is not transferable.

1           (c) This Act does not apply to the installation of a storage  
2 tank or other facility exempt from regulation under Section 26.344,  
3 Water Code.

4           SECTION 4. POWERS AND DUTIES OF COMMISSION. (a) The  
5 commission shall:

6                 (1) prescribe application forms for original and  
7 renewal licenses; and

8                 (2) take other action necessary to enforce this Act.

9           (b) With the advice of the committee, the commission shall  
10 adopt rules for the licensing of installers and on-site  
11 supervisors.

12           (c) The commission may adopt rules relating to continuing  
13 education requirements for installers and on-site supervisors.

14           SECTION 5. EXAMINATION. (a) At times and places designated  
15 by the commission, the commission shall conduct an examination of  
16 applicants for licensing as installers and on-site supervisors.

17           (b) The commission shall prescribe the contents of the  
18 examination. Questions used in the examination must be derived  
19 from standards, instructions, and recommended practices published  
20 by organizations with expertise in various aspects of installation,  
21 removal, and repair of underground storage tanks, including the:

22                 (1) Petroleum Equipment Institute;

23                 (2) American Petroleum Institute;

24                 (3) Steel Tank Institute;

25                 (4) National Association of Corrosion Engineers;

26                 (5) Fiberglass Petroleum Tank and Pipe Institute; and

27                 (6) National Fire Protection Association.

1           (c) The commission shall determine standards for acceptable  
2 performance on the examination.

3           (d) If requested by a license applicant who fails the  
4 examination, the commission shall provide to the applicant an  
5 analysis of the applicant's performance on the examination.

6           SECTION 6. LICENSE. (a) The commission shall issue an  
7 installer or on-site supervisor license to an applicant who:

8                   (1) is at least 18 years of age;

9                   (2) meets the application requirements prescribed by  
10 commission rule, including experience in installation of  
11 underground storage tanks, underground utilities, or other  
12 engineering construction in the State of Texas, not to exceed two  
13 years of active experience;

14                   (3) passes the licensing examination;

15                   (4) pays the application, examination, and licensing  
16 fees; and

17                   (5) meets reasonable training requirements as  
18 determined by the commission.

19           (b) A license issued under this Act is valid throughout this  
20 state but is not assignable or transferable.

21           SECTION 7. LICENSE RENEWAL. (a) A license is valid for one  
22 year and may be renewed annually on or before February 1 on payment  
23 of the required renewal fee and presentation of evidence  
24 satisfactory to the commission of compliance with any continuing  
25 education requirements adopted by the commission.

26           (b) If a licensee fails to renew the license by the required  
27 date, the licensee may renew the license on payment of the renewal

fee and a late fee set by the commission. If the license is not renewed earlier than one year after the date on which the license expired, the licensee must retake the licensing examination administered by the commission.

SECTION 8. FEES. (a) The commission shall charge necessary fees to defray the costs of administering the provisions of this Act, which shall be deposited in the state treasury to the credit of the underground storage tank fund and shall be used by the commission in administering the provisions of this Act. The fees may not exceed the following amounts:

- (1) examination fee .....\$50;
- (2) initial license application .....\$200;
- (3) annual license renewal fee .....\$175;
- (4) late renewal fee .....\$25;
- (5) duplicate license fee .....\$10;
- (6) certification of registration application  
fee .....\$50;
- (7) certification of registration issuance  
fee .....\$100;
- (8) certification of registration annual renewal  
fee .....\$75;
- (9) duplicate certification of registration or  
license .....\$10;
- (10) application to change certificate of  
registration .....\$70.

(b) If a person remits an examination fee and initial license application fee, the examination fee shall be applied to

1 the license application fee so that no person shall pay more than  
2 \$200 for an initial application and examination.

3 SECTION 9. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE OR  
4 CERTIFICATE OF REGISTRATION; REINSTATEMENT. (a) The commission  
5 may deny, suspend, revoke, or reinstate a license or certificate of  
6 registration.

7 (b) The commission shall adopt rules establishing the  
8 grounds for denial, suspension, revocation, or reinstatement of a  
9 license or certificate of registration, and establishing procedures  
10 for disciplinary actions.

11 (c) Proceedings relating to the suspension or revocation of  
12 a license or certificate of registration issued under this Act are  
13 subject to the Administrative Procedure and Texas Register Act  
14 (Article 6252-13a, Vernon's Texas Civil Statutes).

15 (d) A person whose license or certificate of registration  
16 has been revoked may apply for a new license or certificate of  
17 registration after the expiration of one year from the date of the  
18 revocation.

19 SECTION 10. ADVISORY COMMITTEE. (a) The Underground  
20 Storage Tank Advisory Committee is established.

21 (b) The committee is composed of nine members appointed by  
22 the governor with the advice and consent of the senate. Committee  
23 members serve for staggered six-year terms, with the terms of three  
24 members expiring February 1 of each odd-numbered year. A member is  
25 not eligible for appointment to successive terms.

26 (c) The governor shall appoint one member from each of the  
27 following geographical areas of this state:



- (1) the Gulf Coast area;
- (2) the Trans-Pecos area;
- (3) the central Texas area;
- (4) the northeast Texas area; and
- (5) the Panhandle-South Plains area.

(d) Three members of the committee must be persons with experience in the installation of underground storage tanks and who must obtain an installer's license from the commission within two years of the effective date of this Act.

(e) Two members must be professional engineers registered to practice in this state.

(f) One member must be a person who is not eligible for a license under this Act but who has demonstrated experience in environmental protection, fire protection, or the operation and maintenance of underground storage tanks.

(g) Three members must be persons who own construction firms engaged in engineering construction in the State of Texas.

(h) The governor annually shall designate one member to serve as chairman. The committee shall meet at the call of the chairman or at the call of the commission.

(i) The committee shall provide technical expertise to the commission regarding underground storage tanks and shall advise the commission in the adoption of rules for the licensing and regulation of installers.

(j) A committee member is entitled to receive the compensatory per diem authorized by the General Appropriations Act for each day spent in performing the member's official duties, and

1 to reimbursement for expenses incurred in performing those duties  
2 to the extent permitted by the General Appropriations Act.

3 SECTION 11. PENALTIES. (a) A person commits an offense if  
4 the person supervises the installation, repair, or removal of an  
5 underground storage tank in a manner that fails to comply with the  
6 requirements of Section 3 of this Act.

7 (b) An offense under Subsection (a) of this section is a  
8 Class A misdemeanor.

9 (c) A person committing an offense under Subsection (a) of  
10 this section may be assessed a civil penalty by the commission in  
11 an amount not to exceed \$2,500 for each day of violation.

12 (d) If an owner fails to comply with the requirements of  
13 Section 3 of this Act, or a rule adopted by the commission to  
14 implement this Act, the person may be assessed a civil penalty by  
15 the commission in an amount not to exceed \$2,500 for each day of  
16 the violation.

17 SECTION 12. INITIAL APPOINTMENTS. In making the initial  
18 appointments to the advisory committee, the governor shall  
19 designate three members for terms expiring in 1991, three members  
20 for terms expiring in 1993, and three members for terms expiring in  
21 1995.

22 SECTION 13. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A  
23 person is not required to obtain a license under this Act until  
24 February 1, 1990.

25 SECTION 14. EFFECTIVE DATE. This Act takes effect September  
26 1, 1989.

H.B. No. 183

1           SECTION 15. EMERGENCY. The importance of this legislation  
2           and the crowded condition of the calendars in both houses create an  
3           emergency and an imperative public necessity that the  
4           constitutional rule requiring bills to be read on three several  
5           days in each house be suspended, and this rule is hereby suspended.

H.B. No. 183

---

President of the Senate

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Speaker of the House

I certify that H.B. No. 183 was passed by the House on May 11, 1989, as follows: pursuant to Rule 5, Section 43(b), of the House Rules, the revenue dedication provisions of H.B. No. 183 were passed by the following vote: Yeas 136, Nays 0; and the remainder of H.B. No. 183 was passed by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 183 on May 29, 1989, as follows: pursuant to Rule 5, Section 43(b), of the House Rules, the House concurred in the revenue dedication provisions of H.B. No. 183 by the following vote: Yeas 139, Nays 1, 1 present, not voting; and the House concurred in the remainder of Senate amendments to H.B. No. 183 by a non-record vote.

---

Chief Clerk of the House

H.B. No. 183

I certify that H.B. No. 183 was passed by the Senate, with amendments, on May 28, 1989, by a viva-voce vote.

---

Secretary of the Senate

APPROVED:

---

Date

---

Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 183 was passed by the House on  
May 11, 1989, as follows: pursuant to Rule 5,  
Section 43(b), of the House Rules, the revenue dedication  
provisions of H.B. No. 183 were passed by the following vote:  
Yeas 136, Nays 0;  
and the remainder of H.B. No. 183 was passed by a non-record vote;  
and that the House concurred in Senate amendments to H.B. No. 183  
on May 29, 1989, as follows: pursuant to Rule 5,  
Section 43(b), of the House Rules, the House concurred in the revenue  
dedication provisions of H.B. No. 183 by the following vote:  
Yeas 139, Nays 1, 1 present, not voting;  
and the House concurred in the remainder of Senate amendments to  
H.B. No. 183 by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 183<sup>(1)</sup> was passed by the Senate, with  
amendments, on May 28<sup>(2)</sup>, 1989, by a  
viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: 'A;CT15;

H. B. No. 183

By L. Hunt

A BILL TO BE ENTITLED  
AN ACT

relating to the regulation of underground storage tank installers; providing a penalty.

DEC 7 1988

1. Filed with the Chief Clerk.

JAN 24 1989

2. Read first time and Referred to Committee on

Natural Resources

MAR 22 1989

3. Reported favorably (as amended) and sent to Printer at 3:15 pm  
(as substituted)

APR 5 1989

4. Printed and distributed at 9:27 am

APR 4 1989

APR 7 1989

5. Sent to Committee on Calendars at 2:52 pm

MAY 10 1989

6. Read second time as subs. (amended) passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of        years,        nays,        present, not voting).

7. Motion to reconsider and table the vote by which H.B.        was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of        years,        nays, and        present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of        years,        nays, and        present, not voting.

MAY 8 1989

Motion to postpone further consideration of HB No. 183 until Wed May 10 at 10am prevailed by a non-record vote.

MAY 11 1989

Motion to postpone further consideration of HB No. 183 until Thurs May 11 at 2pm prevailed by a non-record vote.

MAY 11 1989

Pursuant to Rule 5 Sec 43(b), of House Rules  
Vote on maine dedication  
9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of 136 yeas, 0 nays, 0 present, not voting).

MAY 11 1989

The second vote on remainder of bill in non record  
10. Caption ordered amended to conform to body of bill.

MAY 11 1989

11. Motion to reconsider and table the vote by which H. B.        was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of        years,        nays, and        present, not voting).

MAY 12 1989

12. Ordered Engrossed at 4:30 pm

MAY 12 1989

13. Engrossed.

MAY 12 1989

14. Returned to Chief Clerk at 1:39 am

15. Sent to Senate.

Betty Murray  
Chief Clerk of the House

MAY 12 1989

16. Received from the House

MAY 15 1989

17. Read, referred to Committee on NATURAL RESOURCES

MAY 26 1989

18. Reported favorably as amended

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by a.c.  
(a viva voce vote.)  
       yeas,        nays.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 28 1989

23. Read second time amended passed to third reading by:  
(viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

MAY 28 1989

24. Caption ordered amended to conform to body of bill.

MAY 28 1989

25. Senate and Constitutional 3-Day Rules suspended by vote of 29 yeas,  
1 nays to place bill on third reading and final passage.

MAY 28 1989

26. Read third time and passed by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

Betty King  
Secretary of the Senate

MAY 28 1989

27. Returned to the House.

MAY 28 1989

28. Received from the Senate (with amendments.)  
(as substituted.)

MAY 29 1989

Pursuant to Rule 5 Sec. 42(b) of House Rules,  
first vote is on revenue dedication  
29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Substitute)

MAY 29 1989

(Record Vote of 139 yeas, 1 nays, 1 present,  
not voting).

Second vote is on remainder of bill and is non record.

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 29 1989

32. Ordered Enrolled at 1:02 pm

89 MAY 28 11:03 AM

89 MAY 12 AM 1:39

89 MAY 12 AM 1:39

89 APR -5 AM 9:27

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